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REPORT OF THE
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REPORT OF THE
Royal Commission
on the Toronto Jail
and Custodial Services

VOLUME 2

REPORT OF THE
Royal Commission
on the Toronto Jail
and Custodial Services

VOLUME 2

Commissioner:

His Honour Judge B. Barry Shapiro



Queen's Printer for Ontario



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Briefs



"Narativite", a painting by Michel Pellus, reproduced by courtesy of the Prison Arts Foundation, Brantford, whose brief to the Commission is on pages 181-2.

Department of Criminology University of Ottawa

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1. THE ROLE OF THE CORRECTIONAL OFFICER

The comprehension of the role of the correctional officer and the problems that relate thereto in provincial institutions like the Toronto Jail is not possible without an understanding from the historical perspective of the role and function of such institutions. Briefly stated, jails were meant to be holding institutions to house temporarily (i) those who were awaiting trial and were either not given bail or were unable to post it; (ii) those who were convicted and sentenced to serve long prison terms and were awaiting transfer to an institution where they would serve that term; and (iii) those who were convicted and sentenced to serve such short prison terms that it was unnecessary to transfer them out to another institution. Under these circumstances the jails were essentially and exclusively what could be called custodial institutions. In these institutions the staff had to be men who identified with those outside the institution (the public at large) and were sufficiently strong to restrain those inside. They had to be people who had the ability to sufficiently intimidate their wards by the potential or actual use of force. This, after all, was the stance of the law that threatened an individual with the infliction of a certain amount of pain for the non-observance of society's rules and correctional officers were adopting the same socially accepted orientation. Correctional officers were essentially pain inflictors – inflicting at a minimum only pain the court prescribed.

Incarceration, apart from being a pain inflicted on the individual who had committed an offence, soon came to be looked upon as a process designed

for the protection of society. In custodial institutions individuals were held isolated from the rest of society for the protection of society which, of course, included the individual himself. The concept of protection carried the connotation of the prevention of the repetition of the offence by the offender, first, during the specified period of incarceration, by the denial of opportunity and, second, during the rest of the offender's life, by the promotion of a stance favourable for non-criminal behaviour through the deterrent effect of the punishment. If these were the goals of custodial institutions, jails were singularly unsuited. The length of stay in a jail did not give any meaning to the "out of circulation" component of prevention nor did it present itself as a punishment sufficient to deter repetition of the criminal act. The legal philosophy was still prevention through the threat and infliction of punishment, an idea that was venerated with scant regard for any goal-means disjuncture that might exist. Custodial officers were still pain inflictors with the end sought to be achieved by the pain infliction assuming an irrelevance. Pain could now be inflicted for the sole purpose of inflicting pain.

A third stage in the historical development is the rehabilitation orientation. Though considered the inauguration of the concept of the reintegration of the offender into society, what the rehabilitation orientation did was to stress the necessity for the adoption of active methods for reintegration rather than rely on the passive form of deterrence. The rehabilitative orientation meant that the inmate had not just to be held in the institution but that something had to be done to him or for him. The institution, consequently, began to assume a character which entitled it to the description Service Institution, demanding that the staff be not just those who identified with the rest of society and were sufficiently strong to restrain the wards but also had the know-how to provide the service. This, of course, brought in the professionals, and a redefinition of objectives which permitted the accordance of primacy of place either to custody or to rehabilitation as the situation dictated. The professional was wedged in laterally between the correctional line staff and the administration dissociating the correctional line staff from the main hierarchical stream.

The problems created by this historical development have been correctly identified and the solution to the problem has been recognized as the reintegration of the correctional line staff into the functioning structure of the correctional institution. With the contention that the aim of corrections is the rehabilitation of the offender, the means by which the solution was to be effected was identified as staff training and development in which the line staff were to be taught the rudiments of sophisticated behavioural control techniques. No matter what training they received it was made amply clear to them that they were for all time employees of inferior calibre doomed to play forever a supportive role conceding honour to the professionals when success ensued and taking blame when failure resulted. The end result, of course, was a conflict identified as a custody-treatment philosophical one, though in reality it was an interpersonal power conflict.

The aims of correctional institutions have been identified by the Ministry of Correctional Services as (i) to carry out the legal duties imposed upon the centre by the courts, and (ii) to attempt to modify the attitudes of those

in its care and to provide them with a kind of training and treatment that will afford them better opportunities for successful personal and social adjustment in the community. With the aims stated as such, the role of the correctional officer as well as every other employee of an institution should be that of providing aids to rehabilitation while ensuring custody. At the present moment the custody officer is assigned the role of ensuring custody or security and the professional the role of providing aids to rehabilitation. That this division of labour is dysfunctional is obvious. It is also obvious that limitation of the role of the correctional officer to custody is detrimental to the smooth functioning of an institution. The identification of the provision of aids to rehabilitation while ensuring custody as the role of the correctional officer has the dual effect of (i) making the correctional officer an active partner in a rehabilitative team, and (ii) putting the correctional officer back into the main stream of the hierarchy. It, however, calls for revision of recruitment and training procedures.

2. RECRUITMENT

With the "custody institution" orientation, the only qualification that a correctional officer needed was identification with society and sufficient strength to restrain offenders. With the "service institution" orientation, the correctional officer needs some know-how as well. This raises the question of educational requirements for recruitment. When this question arises it is always customary to think in terms of formal education and lay down criteria, Grade XIII, bachelor's degree, and the like, without ever attempting to answer the question: Education for what? This situation, of course, stems from the adoption of the old Victorian belief that a broad and liberal education, epitomized in a university degree, makes the individual an educated man and endows him with an unlimited potential. Be this as it may, the proliferation of knowledge in every sphere of activity has made it abundantly clear that a specific type of knowledge is necessary for the efficient functioning in a specific type of job and that, while the broad and liberal education makes the acquisition of that knowledge relatively easy, it is certainly no substitute for that knowledge.

In fixing the educational requirements for recruitment, it is consequently necessary to specify not only the level of formal education but also the type. This specification, of course, has to rest on what is considered the bare minimum necessary for efficient functioning. In making this specification, consideration has also to be given to the question of the availability of the education required. Thus, it is worthwhile to specify that recruitment of correctional officers will be only from among those with a specific certificate in criminology, but if this certificate in criminology cannot be obtained from any educational institution then the specification is meaningless. In such a situation there are three possible alternatives: (i) specify an available qualification akin to that required though not the same; (ii) specify the qualification nevertheless, hoping that some educational institution would

offer the program in response to a demand; and (iii) specify a qualification different from what is required and provide the training for the required qualification in a sort of in-service training program. If the training that is necessary is specific, it is obvious that the specification of a qualification akin to that required is not the proper course to follow. Its specification with the hope that some educational institution would organize a program is a risk that is not worth taking. So that, the procedure that has to be followed is the specification of qualifications different from what is required and the provision of the training as a sort of in-service training program.

In following this course of action there is a decision to be made as to what these qualifications should be. In making this decision there are three factors to be taken into consideration. First, there are the short-term objectives. The qualifications should be such as to have given the individual the training necessary to undergo the in-service training program. This sets the minimum educational qualification. No individual should be recruited without the basic training to successfully complete the in-service training program. Second, there are the long-term objectives. The question involved here is: At what point in the hierarchy should the individual end his career? If the individual was doomed to end his career as a correctional officer, then there is no further consideration necessary. But, if the prospect of rising is to be offered the individual on recruitment, then the qualifications necessary for the post for which he could aspire must be taken into consideration. If these qualifications are a university degree, then the recruitment qualifications should be such that he should be able with a minimum of disruption to his work schedule to obtain these qualifications. The third factor to be considered is the average educational standing of the community. If the educational qualifications for recruitment are lower than the average for the community, the correctional officers and the entire service are relegated to such an inferior position that they literally cannot achieve success. Taking all this into consideration, a Grade XIII educational qualification would appear adequate at the present moment.

3. TRAINING AND ORIENTATION

As far as training and orientation are concerned, there are three types that must be considered. First, there is the initial training that is necessary for the correctional officer to begin functioning. Then there is the ongoing training that is necessary for continued functioning. Finally, there is the training that is necessary for promotion and career development.

(a) Initial Training or Orientation

On assumption of duties, the custodial officer should have an initial training. This training should comprise two components – the one a theoretical com-

ponent which provides the individual with the reasoning behind what he is doing and second a practical component which enables the individual to learn techniques of doing. The two, of course, should be integrated so as to reveal to the officer being trained the interrelation between the two. There appear to be two ways in which an initial period of training could be organized in order that these objectives could be met. First, the individual could be exposed to the theoretical and practical components at one and the same time – with emphasis on the one and the other a concurrent adjuvant. Second, the individual could be exposed to the theoretical component in a sort of intensive fashion, then exposed to a more prolonged practical component and finally brought back into a theoretical setting to wrap up the training. Each format has its own advantages and disadvantages. The second, however, appears to be the more desirable because it would create the least disruption of the work schedule. The initial training should, it is recommended, comprise a 15-month period broken into (a) a three-month period of introductory theory, (b) a nine-month on-the-job practice, and (c) a three-month period of wrap-up theory. The three-month periods of theory could be in the summer conducted at a community college by the staff of the community college or at a staff training college by a staff from a community college or a university.

The training that should be given the custodial officers should be work oriented, i.e., the theory should relate to the actual work that the individual is going to do rather than deal with theories of crime causation which have little or no relevance to his work. The custodial officer has to deal with an individual, possibly abnormal, convicted of having committed an offence, forced to live in a peculiar world, and in dealing with this individual he has to try to assist him in reforming and rehabilitating himself. All this the custodial officer has to do in the setting of a penal institution, with its rules and regulations and its dangers, and in the general context of the criminal justice system. The theoretical component of the training should consequently be so designed as to give the custodial officer information about

- (i) the Canadian criminal justice system;
- (ii) the prison, the prison community and life in prison;
- (iii) prison, security and civil service regulations;
- (iv) self-defence and first aid;
- (v) the elements of normal and abnormal behaviour;
- (vi) motivation, communication and group dynamics;
- (vii) the control of human behaviour; and
- (viii) report writing.

This information should be given to the custodial officers initially in an academic setting with the classes interspersed perhaps with field visits. This period of training should last three months. After the training, the custodial officers should be permitted to go back into the institutions where they have been assigned to work. They go back, however, with an assignment in each area of study, on which they will work while doing their normal work in the institution. During this period the staff who lectured to them should be

available to them for consultation at least on a correspondence basis to assist them in the completion of the assignment. After a nine-month period of working in their respective jobs they should go back into the academic setting for a second period of theoretical orientation in which their job performance will be discussed in relation to the theory they have learnt. At the end of the training, those who successfully complete it should be given a certificate testifying to this fact.

(b) Ongoing Training

Ongoing training is always necessary in any "living" line of activity. Although the individual in most lines of activity appears to have obtained prior to employment the necessary training for that particular position, he does subject himself to a process of ongoing training in the reading he does, in the papers he writes and in the conferences and meetings he attends. When the knowledge involved in a line of activity is not too solid, a more formalized system of ongoing training appears necessary. This necessity has been recognized in correctional services and staff training programs have been developed. The question involved is the form that the staff training program should take.

An analysis of existing staff training programs indicates that there are three basic forms that such programs could take. Traditionally these programs have comprised a series of lectures in which the psychological, sociological and biological theories of crime causation were explained. The main purpose of these lectures was to apprise the line staff of the dynamics of the criminogenic process so that they would be able to better understand and appreciate what the professional staff was trying to do but also the obstacles they were encountering. Attempts to involve the line staff in the actual therapeutic process led to staff training programs focusing on the development of special talents considered necessary for constructive change in the client. A third type of program being developed in recent times uses the clinical or case-conference model in which specific problems are discussed with a view of integrating theory and practice and building up an organized body of knowledge in which the theoretical concepts and clinical practices are scientifically linked in explanations that carry an action-reaction relationship.

For the ongoing training in correctional institutions the case or clinical conference model appears best suited. This is so as the sessions could be problem-solving-oriented and, being so, tend towards the reintegration of the correctional officer in the functional hierarchy of the institution. The case or clinical conference model cannot be used without an initial base line knowledge. If this is provided in the initial training or orientation, as it will be if the suggestions in this brief are implemented, the case or clinical conference model can be utilized with benefit.

There are two points that need consideration as far as ongoing training is concerned. The first is: Who should be entrusted with the task? As the training focuses on problems, it appears that responsibility for the program

should rest with someone not in the institution. It could be a teacher of a university or community college or it could be a staff development officer of the Ministry itself, but one who is not in the personnel cadre of the institution. If it is a staff development officer it could be someone employed at the closest staff training college. The outsider is at an advantage in such training sessions because not only could he actually take an objective view of a problem, he would also be seen to take an objective view. The second is: Training on whose time? Here there is an advantage to the officer concerned with the training and perhaps it is reasonable to expect him to attend the sessions on his own time. On the other hand, it is also advantageous to the institution to have the officer take the training. Consequently, it is reasonable to expect the institution to pay. If the officers do not feel that the training is advantageous to them they would not take the training on their own time, but the advantage to the institution of these officers taking the course does not disappear. Hence it would perhaps be appropriate to have the officers taking the courses paid overtime. As the course in its entirety is advantageous, perhaps the overtime should be paid not for each session attended but for having attended the entire course.

(c) University Degrees

One of the objectives in recruitment was to get people who could, by learning, taking courses and earning a degree while working, rise to the top of the hierarchy. Under such circumstances the correctional officers should be encouraged to attend universities for their bachelor's and master's degrees. They should be given full-pay leave.

4. CONCLUDING REMARKS

The suggestions made in this brief stem from the belief that custodial or correctional officers have a very important role to play in helping achieve the objectives of the Ministry of Correctional Services, i.e., security and treatment. The present problems of the custodial officers are seen as stemming from the dissociation of the two objectives resulting in the relegation of the custodial officers to a subordinate position from which they can conceive of no way of getting out. The solution to the problem appears to be the reintegration of the custodial officer with the functional hierarchy of the correctional institution. This reintegration is possible if the custodial officer is shown an avenue of rising to the top. The avenue, it is suggested here, should be training and education, which will not only allow him to aspire to higher positions but also permit him to function better.

The stress laid in this brief on recruitment and training of custodial officers is in the main due to the statement of the terms of reference of the Royal Commission. We do believe that proper recruitment and proper

training would certainly lead to better functioning. However, in our suggestions we have pointed out that the criteria of recruitment should be such that the individual who is recruited would have the ability to acquire the knowledge requisite for the efficient functioning of his job. In doing so we have implicitly expressed our belief that the custodial officer is an individual who has to receive a particular type of training before he can effectively function as a custodial officer. In short, it is our belief that a custodial officer is essentially a professional and not, as he is sometimes considered today, an unskilled or semi-skilled worker whose main, if not only, duty is to secure the lock of a cell.

We have also pointed out that the training that is provided the custodial officer should have a dual purpose. It should assist the custodial officer to perform his duties at a high level of efficiency. In addition, it should stimulate the custodial officer to acquire further knowledge that would permit him to occupy positions in the higher echelons of the correctional hierarchy. The occupation of custodial officer, our suggestions imply, should be considered not a closed occupation but a part of a broader banding of correctional professional or criminologist, and the role of proper recruitment and training is seen primarily as career advancement for the individual with the inevitable concomitant of efficient functioning.

Career advancement, however, can even be conceived of only if there exists a feeling of security in the position that an individual occupies. Here both job security and personal security are relevant. The role of the custodial officer is identified frequently as custody, and, if the inmate were to escape or to create a disturbance in an institution, custodial officers are apportioned blame and assumed not to have done their job properly. The incarcerated individual may not be considered a dangerous individual but the idea of danger is promoted whenever there is a prison escape. A veritable man-hunt is launched for the escapee and the public are warned to take necessary precautions. The rightly or wrongly associated fear of the caged human animal cannot but fail to have its influence, unconsciously at least, on custodial officers. The prudent officer must be constantly looking for cues of impending trouble and constantly seeking to tighten security measures. Here there are two aspects to be considered. First, there is the physical plant, and then there are the inmates that are housed. At the present moment, the responsibility of ensuring the security of the institution falls on the administration, guided no doubt by departmental guidelines. That administrators perform this function conscientiously, there can be no doubt. However, it does appear that the conscientious performance of this function alone is insufficient. The staff must feel that it is so. Essential in this regard is some sort of arrangement which would permit custodial officers to complain and obtain rapid redress whenever they feel that the basic elements of security are being neglected by the administration. Also needed is some sort of guarantee that, were they to fall victim to violence, their families would be adequately cared for.

The use of violence, there is ample evidence to demonstrate, indicates an inadequacy of the social arrangements for the resolution of conflicts. When violence is resorted to by custodial officers it is not uncommon to look upon

them as sadistic individuals. The sadistic brute of a custodial officer, it is averred on such occasions, took advantage of the poor helpless inmate, incarcerated and denied the right to respond. When violence is resorted to by inmates, it is expected of them, and the blame for it is frequently laid on the custodial officer. If the custodial officers did their job properly, they could have prevented it, is the argument that is often proffered. The custody officer is entrusted with the task of protecting society from "dangerous" men, incarcerated for the safety of society. The right of protection is a right the custody officer is also entitled to. It is in his interest to ensure that he gets the maximum protection. If, however, he finds that there is no way in which he can get officialdom to provide this protection, he then must seek it out himself and, in doing so, resort to violence and goon squads.

Finally, in the rush of the humanitarianism that accompanied the rehabilitative movement, considerable stress has been placed on the fact that the inmate is human, that he has been alienated from society, through prolonged deprivation, and that every attempt should be made to reintegrate him into society by treating him as a human being. In our attempt to ensure human treatment to the inmate, we appear to have forgotten that others, too, are human and that, as much as the inmate has rights that must be protected, others too have rights that must also be protected. In keeping with this line of thought, we feel that, while there must be some compensation for the deprivation that an inmate has suffered, compensation should not be such as to constitute or to be viewed as a deprivation to the custodial officer. We do not believe that privileges should be withheld from the inmates on this account, but that, whatever privileges are extended to the inmate, they should be extended to the custodial officer and his family as well. Thus, if an institution encourages an inmate, with leave of absence and financial assistance, to obtain educational qualifications at a university, the same facilities should be extended to the custodial officers and members of their families. A custodial officer should not be allowed to feel deprived. If deprivation or the feeling of deprivation contributed to the criminality of the inmate, it could have contributed to antisocial behaviour on the part of the custodial officer.

(Received May 1, 1975)

Professor C. K. Talbot

Before we can discuss the role, function, service demands, recruitment, selection, orientation and training of custody officers, it is necessary to look his-

torically at the development of the position, in order to understand the inherent problems.

HISTORICAL PERSPECTIVE

The Royal Commission on the Toronto Jail and Custodial Services is the 20th-century corollary to the then influential but apparently now little known 19th-century *Report of the Commissioners to enquire into the Prison and Reformatory System of Ontario 1891*, chaired by J. W. Longmuir.

This report, which had perhaps the most influential and progressive impact on the subsequent development of corrections in Ontario, had the reverse effect on the development of the provincial jail, condemning these institutions to linger in the backwaters of Ontario's archipelago for the next 70 years, for in Recommendation 40 on page 223 it states in part:

"Theoretically, gaol management would, no doubt, be more systematic under one directing authority, that authority being the government, but common gaols are eminently local institutions and unless the Government in assuming absolute control of them, entirely relieved the municipalities of the cost of their management, such an assumption might be considered out of harmony with the genius of our municipal system."

First as Inspector of Gaols and later as Chairman of the Royal Commission, Longmuir did not see the county jails as being able to provide a satisfactory resolution to the problems of rehabilitation.

While an attempt at proper classification in the county jail was attempted in Recommendation 37, which stated that no juvenile offenders should be sent to the common jail, that alcoholics should be sent to treatment centres, and homeless and destitute sent to poorhouses, the thrust of the classification was proper prison management and security control, not rehabilitation.

And this has been the situation that "jailers", "guards", custody officers have traditionally [been] in from pre-union times until the present.

County and city jails have remained an embarrassment to the municipal and provincial governments, as well as providing angry editorial fodder for numerous newspapers for 70 years.

By the mid nineteen sixties, two thrusts changed the jail system.

The first was the initiative of the Minister of Reform Institutions (1966) which encouraged the municipalities to replace their own county jails by a new institution called a Regional Detention Centre.

The concept, in theory, was proposed according to the Minister's statement in order to bring modern correctional practice to the municipal level, ensuring at the same time the security aspect while encouraging the promotion of treatment facilities to help the eventual rehabilitation of offenders, by encouraging the municipality to replace small, outdated county jail facilities, which were basically holding units, with a centralized security and treatment centre. In theory, there would be a greater chance to bring rehabilitative elements to bear on programs and administrative costs would be reduced.

The province agreed to share 50 per cent of the cost with the municipalities, providing the proposed Regional Detention Centre was in keeping with the policy and standards set by the Department of Correctional Services.

In 1966, groups representing the counties of Frontenac, Hastings, Lennox, Prince Edward, and Addington, as well as the county of Carleton, signed agreements to begin construction on the Quinte Regional Detention Centre and the Ottawa Carleton Regional Detention Centre, respectively.

In 1967, the Ontario government had decided to assume the total cost of administering the county jails.

"A 10-year program is being developed which will provide a completely integrated system of detention facilities in the total correctional program, eliminating those local county jails considered incapable of playing their part in the modern correctional process."

After the plans had been finalized for the Quinte and Ottawa-Carleton Regional Detention Centres, plans were finalized for the building of the Niagara Regional Detention Centre for the counties of Lincoln and Welland.

On January 1, 1968, the second major thrust occurred when the Department of Correctional Services assumed full responsibility for county and city jails and their staffs became provincial civil servants.

At this point, 78 years after the Longmuir report advised against it, the Province of Ontario was fully in control of the destinies of the Ontario county jails.

The thrust of ministerial policy was clear at this point (1967): "The large majority of jails must eventually be replaced by modern Regional Detention Centres."

By March 1973, there were three Regional Detention Centres in operation in the province: Quinte, Ottawa Carleton, and Niagara.

In theory the regional detention concept was attractive; however, in reality, problems began to emerge as soon as the structures were built.

Planners perhaps ignored the historical fact that the old county jail rendered more services and conveniences to the local population than systems analysis would give credit for.

For example, the county jail was usually located in the heart of the community where the offender and what family he had were located and would ultimately be released anyway.

Its location made easy family visits, collateral contacts, temporary absence programs, and community volunteer involvement.

The consolidation of many little personal jails in a larger more impersonal one ran contrary to the current penological thrust of community corrections.

Family visits were more infrequent, due to longer distances, staff-inmate relations became more impersonal.

This, coupled with an architectural design which makes it almost completely impossible to run programs, has created real problems for both inmates and staff who have to cope.

The report of the Minister (Ontario 1973) indicated that some of these expensive lessons had been learned:

"In certain areas of the province, a Regional Detention Centre can ef-

fectively serve an entire geographic area. In other districts it is preferable to reconstruct and refurbish existing jails, many of which are centrally located in the area they serve. . . . Twenty-seven of the 37 jails taken over from the municipalities in 1968 were more than 100 years old and many of them have remained structurally unchanged since the 19th century; prime emphasis on security, not treatment or training, was the traditional function of the local jail. . . . Local jails however are an ideally located setting from which to operate T.A.P. programs for educational, vocational and work purposes within the community. . . . Programs of jail innovation or alternatives or replacement by all new detention centres are therefore proceeding concurrently." . . .

After being involved with staff development with custody officers, N.C.O.s, and classification at the Ottawa Carleton Detention Centre, the writer suggests that not all the new and, on the surface, innovative and humanitarian changes have been particularly productive and the writer would suggest that the problems of morale, selection, [and] training [that] we have observed in Ottawa can be useful in examining the same processes in the Toronto Jail. . . .

The sergeants [C.O. 4s] must support a program such as staff training for C.O.s for that program to be a success, and very little recognition is given to them for their leadership.

The sergeant is usually in charge of the C.O.'s orientation and really it is his attitudes that will have a profound effect on the subsequent work performance of the employee.

RECOMMENDATIONS

1. The writer considers that it is *imperative that special management and social science, especially criminology, training be given to the sergeants and corporals to begin with and that time off regular duties be arranged for this purpose.*
2. *Secondly, the custody officers, up to the sergeants, must be given a meaningful input into the innovation planning and implementation process of any institution.* At the Ottawa Carleton Detention Centre there are real frustrations voiced by line staff who feel that their suggestions are never taken into consideration or even dealt with. Meetings tend to be "disorganized", agendaless reunions without any mechanisms for study, reporting back, and implementation.

There is no team feeling there, no regular social get-together, no visible or meaningful delegation of task assignments to get the best out of each employee.

3. *There must be official recognition and additional staff support to compensate for the inadequate physical plants of both the new (regional, as they were called a few years ago) detention centres and the old jails such as the Toronto Jail.* In the writer's opinion, the physical plant of the Ottawa Detention Centre makes it almost impossible to operate treat-

ment programs.

The custody officers have been asked to perform a role under [such] physically impossible situations that it might well be better to drop the pretence of treatment and concentrate on human warehousing.

4. There must be a valid classification system in the jails and a meaningful sharing of information between the classification counsellor and the C.O.s, instead of the guarding of personal information by the "professionals" for fear that the C.O.s will abuse this confidentiality. There must be more trust and less defensiveness.
5. There must be more recognition on the part of the administration, especially treatment, staff, of the treatment potential of the security officers, who will, in the last analysis, have [a more] profound effect on the inmate than any other group in the institution other than the inmate-to-inmate interaction. . . .
6. The inclusion of remand inmates with convicted offenders at the jails has placed an additional burden on the C.O., as these are two separate groups. At the heart of any legal system in Canada is the presumption of innocence. However, in management terms the C.O. must react the same to convicted as [to] unconvicted individuals and it is strongly suggested that this is a miscarriage of justice and an impossible situation for the C.O. Therefore, it is strongly suggested that the jail system physically separate the two inmate groups and develop different programs for each.

Nothing is more injurious to a man awaiting trial than to be considered *de facto* guilty by the association and treatment he receives from the institution.

CONCLUSION

Custody officers, at least at the Ottawa Detention Centre, have, in the writer's opinion, amply demonstrated over his six months' contact with them, a humanness, flexibility, and understanding of human dynamics.

The inmates, on the other hand, have shown [a] surprisingly understanding attitude towards the predicaments and dilemmas that custody officers find themselves in.

Of note here are the group communication sessions which the writer set up between C.O.s and inmates. In these sessions, which were confidential, both were able to . . . relate as human beings. Both felt that the experiment was worth while.

The problem seems to be a basic communication one between the central authority . . . the local administration, and the line staff. The administration does not seem to have made up its mind what should be accomplished at the jail and until it does, and then provides the adequate staff, the problem of poor morale, difficult recruitment, short service records, beatings, and human suffering will continue.

The writer is impressed by the calibre of line staff in comparison with

prisons elsewhere.

However, in a closed society like a prison, where the complete control of one individual is given over to another, even highly intelligent, humane, motivated and decent men can run the risk of helping to destroy that often fragile will to survive as a law-abiding citizen. The custody officer is only as effective as a healthy administration will allow him to be, and healthy prison administration is the task not only of the Ministry, the criminal justice system, the university, and the citizens' committee – but of the whole community.

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Ministry of Correctional Services

The first jail in Toronto was erected on the south side of King Street east of Yonge Street and housed criminals, lunatics, women, children, debtors and untried persons. In 1824 on the same site a new jail was constructed and subsequently near the corner of Palace (Front) and Berkeley Streets in 1840 the third jail was built.

"The architecture . . . was such that prisoners could not see the earth, and saw but little of 'that little tint of blue which prisoners call the sky' and 'each man trembled as he crept into his numbered tomb'. . . Round this third Toronto jail was a 12-foot wall on which at times a scaffold was erected so that due publicity might be given to hangings."¹

The present Toronto Jail was built in 1858 and among those held today in detention there are young persons, the sick, the disabled, con men, the condemned, the derelict, homosexuals, child molesters, junkies, those serving intermittent sentences, the suicidal, and others. In 1958 the new wing was opened and, although an improvement upon the physical facilities at the old section, concern is still expressed. Remarkable technological advancement from the mid 19th century to the present has taken place and in this regard the new wing reflects to some degree the extent of sophistication modern science has achieved. Yet during the Royal Commission there was reference to the clinical atmosphere, the detachment and the fact that "it would be nice to see the sky and the trees".² That "little tint of blue" remains unseen. The question immediately arises: What is the purpose of a jail and, specifically, the Toronto Jail?

It is a function of this centre that persons awaiting trial on remand be held pending disposition of judicial proceedings. It is expected that persons subject to short sentences will be held at the institution for the duration of the sentence. Clinical services to the court are offered when personality assessments are requested and should a person be convicted and subject to a term of imprisonment that is not of a short duration he is normally held until such time as classification procedures are completed and a decision is made, to which correctional institution he should be transferred. In addition, persons are held at the Toronto Jail who are awaiting transfer to a federal penitentiary having been sentenced to a definite term of imprisonment in excess of two years, persons subject to parole suspension, immigration hold orders, extradition proceedings, all in accordance with federal law. To add to the complexity of the bewildering type of orders authorizing admittance to the Toronto Jail persons who are classified as troublemakers in other institutions are brought into the institution pursuant to a warrant of transfer issued under the Ministry of Correctional Services Act. Overcrowding flourishes.

The Toronto Jail is a maximum security institution for the simple reason that persons within the institution have been charged or sentenced for serious criminal offences. The characteristics and pattern of behaviour of many are unknown and common sense dictates that necessary precautions be taken to ensure the necessary protection of staff, members of the inmate population and the public from further criminal activity on the part of any person who may wish to ignore existing law and attempt to escape. Acceptance of the premise that the Toronto Jail should be a maximum security facility does not mean that the seeds of uncertainty should continue to flourish and should it be possible to take steps to remove ambiguity then this should be done. Indeed a review of the transcript of the Toronto Jail inquiry . . . discloses an atmosphere of uncertainty in numerous important and fundamental areas. Insecurity begets fear. Fear begets anger. Anger begets hatred. Patience, understanding and sympathy are diminished to the frustration of all.

With the exception of transfers from other institutions the authorities at the Toronto Jail have no control over intake and once an order is issued by the court or other tribunal the person subject to the order must be admitted to the institution. When a sentence is imposed, has the court taken into account that the sentence may not achieve its supposed goals? There is at present a strong belief in the rightness of prisons, and properly so for those individuals who pose a threat to society, but for those who do not I am not so prepared to embrace the belief [that we] need to incarcerate unlimited numbers at tremendous cost with limited and marginal success rates. Without being unduly pessimistic I doubt whether authorities responsible for the operation of a jail are able to educate, heal, treat and train in accordance with community expectations.

The vast number who are sentenced to a term of imprisonment must serve that term in a jail. I have considerable reservation that it is possible to punish and effectively rehabilitate a person simultaneously. . . .

I wish to briefly refer to what, in my opinion, are issues of significance.

THE ROLE OF THE INSPECTOR

The provisions of the Ministry of Correctional Services Act provide that each correctional institution, which by definition includes a jail, shall be regularly inspected by an inspector who shall inquire into all aspects of its operation and in this regard inspectors have routinely investigated allegations of brutality against inmates. Reports have been prepared and forwarded to senior staff upon completion of the investigation. Testimony before the Royal Commission centred around investigative procedures and the absence of any provisions in the Public Service Act, R.S.O. 1970, Chapter 386, which would prescribe the manner and method of conducting an inquiry to ascertain essential information relative to allegations of brutality in a correctional institution. That statute is silent and affords no direction. The Public Service Act relates primarily to the employer and employee relationship between the Crown and a public servant and I do not feel it should be extended to prescribe the nature and duties of an inspector.

I do feel that the Ministry of Correctional Services Act should be amended to specifically authorize an inspector with full authority to examine and obtain such information as is necessary to prepare a full and complete report. Where a person is subject to placement in a jail by order of the court any allegation of brutality should be investigated in detail and refusal to furnish information should be subject to sanction. In many occurrences the information available will make apparent the necessity to involve immediate police investigation and resultant criminal charges but in many of those incidents "where a common greyness shadows all" the independence of the office of the inspector should be relied upon. For security reasons alone it is important that an inspector should be in a position to obtain accurate information in order to properly advise senior management.

When the Province of Ontario assumed responsibility for municipal and county jails in 1968 the Ministry of Correctional Services Act was introduced in the legislature at which time numerous statutes relating to various institutions were repealed. The Penal and Reform Institutions Inspections Act, R.S.O. 1960, Chapter 291, was one of those statutes repealed. Sec. 3(1) provided:

Where an inspector is authorized by the Minister to institute an inquiry into the management or affairs of a penal and reform institution or into any matters in connection therewith, or into the truth of a return made by an officer thereof and deems that any person should give evidence before him on oath, the inspector has the same power to summon the person to attend as a witness to enforce his attendance and to compel him to produce documents and to give evidence as any court in civil cases.

Section 4 of this statute authorized the Lieutenant Governor-in-Council to enact regulations deemed necessary for the powers and duties of inspectors appointed under the Act.

It may well be argued that inspectors should not be clothed with authority as this will of necessity result in abuse, [and] suspicion on the part of the staff and inmates alike, thereby exacerbating existing tension within the jail. Public need overrides private concern. Duly qualified, experienced inspectors, informality, and recognition of the need to act responsibly will diminish potential dissatisfaction.

Upon receipt of the inspector's report appropriate action would then be taken, if need be, i.e., invocation of the Public Service Act, police involvement to determine whether criminal charges should be instituted, etc. In discussing this issue I have limited comment to the principle, and in the interest of brevity have not made comment with respect to the practical difficulties inherent should legislative change be effected, particularly whether it is intended the inspector be authorized to conduct a hearing or inquiry. My preference is a fact-finding inquiry.

INMATES: DISCIPLINARY HEARINGS – RIGHTS-SEGREGATION

Counsel for Daniel Jinks, an inmate who testified at the inquiry in response to a series of questions from the Commissioner, indicated that an inmate on charge "would be entitled to all of his rights so that we would have a result that would be the result of what we refer to as natural justice and that includes all of those things that I have referred to: the right to make full answer and defence".³ Counsel referred specifically to the right to call witnesses, the right to counsel. I will refer later in the submission to what I consider are the "rights" an inmate should possess, but at this time confine my remarks to the nature of disciplinary proceedings. These proceedings are not part of a criminal prosecution and the full panoply of rights due an accused person in such proceedings do not apply. This need not mean and does not mean that the concept of natural justice and fairness is limited. The Supreme Court of the United States in the 1974 decision of *Wolff, Warden et al. vs. McDonnell* discussed this issue and it might be useful to refer to the observations of Justice White which pertain to persons under sentence but are equally applicable to the Toronto Jail where persons need not be under sentence.

Prison disciplinary proceedings take place in a closed, tightly controlled environment peopled by those who have chosen to violate the criminal law and who have been lawfully incarcerated for doing so. Some are first offenders, but many are recidivists who have repeatedly employed illegal and often very violent means to attain their end. They may have little regard for the safety of others or their property or for the rules designed to provide an orderly and reasonably safe prison life. Although there are very many varieties of prisons with different degrees of security, we must realize that in many of them the inmates are closely supervised and their activities controlled around

the clock. Guards and inmates co-exist in direct and intimate contact. Tension between them is unrelenting. Frustration, resentment, and despair are commonplace. Relationships among the inmates are varied and complex and perhaps subject to the unwritten order that exhorts inmates not to inform on a fellow prisoner.

It is against this background that disciplinary proceedings must be structured by prison authorities; and it is against this background that we must make our constitutional judgment, realizing that we are dealing with the maximum security institution as well as those where security considerations are not so paramount. The reality is that disciplinary hearings and the imposition of disagreeable sanctions necessarily involve confrontations between inmates and authority and between inmates who are being disciplined and those who would charge or furnish evidence against them. Rehabilitation is much more than a theoretical possibility, and the basic and unavoidable task of providing reasonable personal safety for guards and inmates may be at stake, to say nothing of the impact of disciplinary confrontation and the resulting escalation of personal antagonism on the important aims of the correctional process. . . . In any event it is recognized there would be great unwisdom in encasing the disciplinary procedures in an inflexible constitutional strait-jacket that would necessarily call for adversary proceedings typical of the criminal trial, very likely raise the level of confrontation between staff and inmate and make more difficult the utilization of the disciplinary process as a tool to advance the rehabilitative goal of the institution.

The McRuer Report was to result in much-needed legislation in this province, such as the Statutory Powers Procedure Act, 1971, and the Civil Rights Law Amendment Act, 1971, yet there was little reference in that report to the need for judicial review of prisoner complaints from disciplinary hearings and other concerns. In fact, the Ministry of Correctional Services Act was amended by adding thereto Section 34:

The Statutory Powers Procedure Act, 1971, does not apply to proceedings for the discipline of inmates in correctional institutions or to their transfer under section 10 or for the authorization under section 18 or 19 of temporary absences of inmates or to proceedings of the Board notwithstanding anything in that Act.

In January 1973 the Court of Appeal of this province refused an application for leave to appeal by Karleton Lewis Armstrong, applicant, and Superintendent Whitehead, respondent, from a decision of the Divisional Court which held that matters of discipline were not reviewable. Schroeder, J. A., stated that there was no authority for the Divisional Court to consider matters of discipline under the provisions of the Judicial Review Procedure Act, 1971, and "in my opinion, this inquiry was not in the nature of a judicial or a quasi-judicial hearing at which the inmate was entitled to counsel and, in any case, proceedings relating to matters of discipline within a correctional institution are not subject to the order of *certiorari*".

Mr. Justice Brooke in a dissenting opinion would have granted leave to

appeal in order to review the nature of disciplinary hearings for those who have not been convicted of a crime and those under sentence.

Mr. Justice Powell stated in *Procunier, Corrections Director, et al. vs. Martinez et al.* a further judgment of the Supreme Court of the United States released in April 1974 pertaining to the issue of mail censorship and interviews the following:

Traditionally federal courts have adopted a broad hands-off attitude towards problems of prison administration. In part this policy is the product of various limitations on the scope of federal review of conditions in state penal institutions. More fundamentally, this attitude springs from complementary perceptions about the nature of the problems and the efficiency of judicial intervention. Prison administrators are responsible for maintaining internal order and discipline, for securing their institutions against unauthorized access or escape and for rehabilitating, to the extent that human nature and inadequate resources allow, the inmates placed in their custody. The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice to say that the problems of prisons in America are complex and intractable, and more to the point they are readily susceptible of resolution by decree. Most require expertise, comprehensive planning, and the commitment of resources all of which are peculiarly within the province of the legislature and executive branches of government. For all of those reasons, courts are ill-equipped to deal with the increasing, urgent problems of prison administration and reform. Judicial recognition of that fact reflects no more than a healthy sense of realism.

It is evident from the above statement that the judiciary dealing as it does with individual after-the-fact complaint cannot legislate to make institutions more effective, less dehumanizing places of confinement. To make more certain that which is less certain, the legislature should respond by enacting statutory standards in order to better achieve these objectives.

There is little jurisprudence in this country dealing with the rights and responsibilities of inmates such as Hugh Sutherland and William Lavelle. Traditionally, the courts have been reluctant to interfere with administrative discretion given to prison officials. The Royal Commission has now opened Pandora's Box and revealed an evident concern subject to public scrutiny. That concern includes the status of a person held in confinement. A prisoner "retains the rights of an ordinary citizen except those expressly or by necessary implication taken from him by law". This statement has been approved by the judiciary, but what does it really mean? In view of the relatively few applications to the court and the "hands-off" attitude, there has been little clarification.

In *Re MacCaud* (1968), 5 C.R. (N.S.) 318, the leading correctional case in Canada, the Ontario Court of Appeal, in discussing the availability of judicial review, stated that decisions affecting the civil rights of the citizen are required to be made judicially. After noting that most decisions made by an institutional head are administrative in nature, it said:

The proper test to be applied is to ask whether the proceedings sought to be reviewed have deprived the inmate wholly or in part of his civil rights in that they affect his status as a person as distinguished from his status as an inmate. If the application of this test provides an affirmative answer in arriving at that decision the institutional head is performing a "judicial act".

While this distinction between "status as a person" and "status as an inmate" sounds good in theory, in practice it is almost impossible to apply. The court also stated that "all decisions . . . with respect to the place of confinement are the exercise of an authority which is purely administrative, provided that such decisions do not otherwise transgress rights conferred or preserved by the Penitentiary Act".

As can be seen, this decision is based on the traditional right – privilege and administrative – judicial distinction. However, even the judiciary has had difficulty applying these criteria. For example, in *Re Green and Faguy* (1972), 7 C.C.C. (2d) 388, 891, Lerner, J., suggested *obiter* that alteration of the locale or nature of the confinement is something that affects the civil rights of the inmate and therefore is the exercise of a power which is by its nature judicial.

In view of the existing confusion it is suggested that the Ministry of Correctional Services Act be amended to include a codification of inmate rights and in this regard annexed as an appendix is a copy of a model act for the protection of rights of prisoners, published in 1972 by the United States National Council on Crime and Delinquency. This act of necessity would have to be revised and made applicable to Ontario. I endorse the intent and object of the statute and adopt many of the principles enunciated therein. Traditionally, this type of code has been viewed as a statute that primarily benefits inmates. However, the Toronto Jail inquiry is a direct result in part of the confusion that has been caused by the absence of legislation specifically outlining minimum rights and corresponding minimum duties within that institution. This code would benefit correctional staff as it would clarify in law the type of conduct that is acceptable in today's society. If staff are made aware that prisoners possess certain rights which cannot be infringed upon (as opposed to privileges which can be taken away) the corresponding clarification of their roles and functions would lead to greater certainty of what is expected of them.

In *Re MacCaud*, an inmate in a federal institution was charged with and convicted of a disciplinary offence established by way of a Commissioner's directive. When he appealed the decision to the Ontario Court of Appeal, it was found that the directive was never published or communicated to the inmates. The court dismissed the appeal on the ground that "the appellant had become aware of the directive otherwise than through authorized channels". Although the section relating to inmate discipline and misconduct in the Manual of Standards and Procedures contains due process safeguards, it is not an adequate guarantee. In *Re MacCaud*, the court held that while an inmate is bound by the procedures set out in the directives or administrative manuals there is no corresponding duty on the institution because the

procedures do not have force of law. That is, correctional administrators have the discretion to ignore the due process provisions in the manual subject only to fear of reprimand from supervisors for not following orders. To effectively bring a clearly defined rule of law to a jail the most important procedures should be given force of law by inclusion in the statute or regulation so that if need be the court will have adequate means to enforce them.

There are 12 offences listed in Section 23 of Regulation 166 with which an inmate may be charged. While most of these are specific it is noted that subsections (d) and (g) are most general and subject to vaguest interpretation. Testimony at the inquiry demonstrates that each offence should be specifically defined so that inmate and staff will clearly understand what action constitutes misconduct. One charge should be laid with respect to any one incident and effort should be made to ensure that the charge chosen is the one most appropriate. The present practice of laying several charges for one incident is questionable as it may lead to the unfairness of double jeopardy.

Once a misconduct charge is instituted the investigating officer should ensure that the report is properly and clearly filled out and, as stated, the most appropriate charge has been laid. He then should determine what the facts are and who, if any, the witnesses are. The inmate should be given advance notice, preferably in writing, that a disciplinary hearing will be held thereby giving him the opportunity to prepare for the hearing before the Superintendent. I do not agree with any practice, should it exist, wherein the investigating officer interviews the persons involved and then actually decides the case whereupon his decision is rubberstamped by the Superintendent. Unfairness to the inmate will only result. I feel the Superintendent should personally preside over the hearing to at least guarantee a degree of neutrality and then to make a finding which is duly recorded. It is suggested that the inmate should sign the misconduct report indicating that he understands the nature of the charge, and any penalty imposed. Where the inmate refuses to do so this should be noted on the record.

Hearings should not be unduly delayed and should be proceeded with as soon as possible. The concept of fairness is imperative. I would not like to see the introduction of the adversary system in disciplinary hearings with the inclusion of counsel as this might well result in greater polarization of the existing split between guard and inmate. The introduction of minimum rights in law should provide sufficient safeguard. I do not suggest that this problem will simply be resolved by the promulgation of rules and I well appreciate that this issue is interlinked with organizational theory and principles of administration. Accountability to and scrutiny by the court would result where an inmate feels aggrieved to the extent it is necessary to apply to the court for relief. It is essential, therefore, that there be available a complete, accurate, legible record in the event an independent tribunal need refer to it. This principle of record keeping should extend to all important segments in the orderly operation of a jail.

Once a charge has been laid and withdrawn for whatever reason that fact should be formally recorded and the Superintendent should be advised

of the action taken rather than merely "tearing up the charge".

The issue of internal sanction for misconduct is important. As late as 1960 the law of Ontario provided:

The strap shall not be used except when it is clearly necessary to achieve the reformation of the inmate and enforce proper discipline. The strap shall be a plain leather strap not less than three inches in width without perforation of any kind and shall be applied across the bare buttocks, and great care shall be exercised to prevent hurting the prisoner elsewhere.

No doubt, there are those who believe strongly in the efficacy of corporal punishment and other measures that, in my mind, are an affront to human dignity. This form of punishment is simplistic and ignores the human condition. Fortunately, the provision above referred to is no longer law.

Segregation pending a hearing of misconduct charges should not be imposed unless it is essential to maintain institutional safety and discipline. Where segregation pending a hearing is required it should be in accordance with strict criteria. Approval of the acting chief administrative officer of the jail should be obtained as soon as possible or within a fixed period of time.

The following testimony was heard at the inquiry during examination of Michael Kenneth Larocque by the Commissioner:

- Q. Well, suppose you were a correctional officer and someone was openly rebellious.
- A. . . . well, it is the same thing as society may put you in jail to get you away from them. Then the correctional officers put you in the hole to get you away from them.
- Q. Well, do you recommend that?
- A. No, I don't recommend that.
- Q. What would you recommend?
- A. Put them in another area.
- Q. Of the jail?
- A. Or in another institution.
- Q. Do you think that would cure the problem?
- A. Possibly.⁴

The words of Mr. Larocque reveal a feeling of complete rejection and in his view correctional staff merely act in a similar pattern as society in removing a rebellious person from their presence. Mr. Larocque did not suggest where a rebellious person should be held but if it is necessary that a person be removed from society and sent to a jail it may also be necessary that correctional staff who are charged with the difficult task of ensuring order be authorized, when need be and subject to proper authority, to remove an angry and hostile inmate to an isolated place of confinement as a final resort and not beyond a reasonable period of time. The prime purpose would be to ensure immediate control and supervision when it is determined that he constitutes a threat to himself, to others, or to the safety and security of the

institution.

Once a finding of guilt is made, authority now exists for indefinite segregation on a regular diet whether or not the person subject to the order is under sentence or on remand. Personally, I would impose a maximum period of time during which a person may be held in segregation for punishment purposes. Reference to this issue during testimony was considerable. Although not discussed at length, segregation on a special diet, in my opinion, is of doubtful value as the penalty is loss of human association, notwithstanding an inmate's testimony that the real penalties are the facilities, clothing, food and the absence of cigarettes. The need to rely on a "special diet" for reformatory or discipline purposes in the latter part of the 20th century does not speak highly of the correctional process.

Placement in segregation as a form of punishment should only take place when necessary and in this regard a separate record should be kept stating the reason for admission. To ensure that someone is not placed in segregation for an excessive period of time the record of conditions of segregation and the opinion of the medical officer should be reviewed regularly by senior administrative personnel. There should be no erasures of the record. (Please refer to "Isolation in Solitary Confinement" in Appendix 1.)

A member of the correctional staff indicated that walking into a segregation cell at the Toronto Jail was akin to walking into a "lion's den". Prisoners in segregation it has been suggested, far too often, should be in a mental hospital. This may be true and represents a sad reflection not on correctional personnel but the community. Members of the medical staff may find it necessary to request that correctional officers place an inmate in segregation for medical purposes while agreeing that there should be another facility where a disturbed person should be by himself and where he can be observed. In the absence of such a facility, what is a member of the medical staff or correctional officer to do when an inmate suddenly demonstrates and only the segregation cell is available?

The court has seen fit to issue a warrant of committal for sound reasons, the order of the court must be complied with, and the person subject to that order is not suffering from a mental illness that would permit transfer to a psychiatric facility. Practical expediency requires the unfortunate use of segregation cells where the bed space in the psychiatric wing is occupied and there is no other accommodation available.

Where serious allegations of brutality are made verbally by an inmate to a member of the jail, including the medical staff, a written report should be furnished to the Superintendent. Inmates should be entitled to make any complaint or charge directly to the Superintendent without fear of repercussion within the institution. When a prisoner does have a grievance, it must be investigated immediately and the inmate informed of the result of the investigation (see Appendix 1 - "Grievance Procedure").

The recent introduction of the legislation relating to the Ombudsman hopefully will provide an avenue of redress to that office and thereby diminish dissatisfaction.

STAFF: ROLE OF THE CORRECTIONAL OFFICER-RECRUITMENT-COMMUNITY

The first element of the correctional officer's role is the statutory or mandatory element, linked closely to the primary task of a jail, which is custody. It must not be forgotten that first and foremost the correctional officer is a custodian. He is responsible for maintaining security, discipline and good order of the institution while ensuring the continued custody of the inmate. This is not to suggest in any fashion whatsoever that I agree with the inmate who stated that the officers at the Toronto Jail are not competent people "who are hired to turn keys and prod cattle which is the essence of what they are doing".⁵ I repudiate those observations. Along with the traditional element as custodian the correctional officer has increasingly in recent years been called upon to fill a difficult role closely associated with the rehabilitative function of corrections. Although older than this new rehabilitative role, the custodial function cannot be denigrated. The custodial task is a vital preliminary to treatment: "You can't treat 'em if you ain't got 'em." What should be deplored about the custodial aspect is the confrontation philosophy that invariably emerges from it. The institution should not be viewed as being split into guards and inmates, or perhaps more succinctly "Cowboys and Indians". Custody should not be seen as an end in itself but as a means to an end.

This new bi-partite role for the correctional officer was recognized by the Honourable R. T. Potter, M.D., in a speech given in the Ontario Legislature on April 11, 1975, when he said:

In the old days it was enough for a correctional officer to be a humane custodian. In those days he was called a "guard". Today he is called a "correctional officer". This is not simply an exercise in semantics. Staff are called "correctional officers" because we recognize, and expect them to realize that they play an important role in the correctional process. They are the people who daily are in close personal contact with the best opportunities to form helpful relationships with inmates. Today, in addition to his responsibilities in regard to security, we expect the correctional officer to be a teacher, a counsellor, a motivator, and, in the fullest sense, to be an agent of rehabilitation.

This reappraisal of the prison officer's role and the greater emphasis on his part in the rehabilitation process of inmates is the result of several factors. There is now a substantial body of research to suggest that those persons in corrections — as correctional officers — whose function is not primarily assessment and treatment have always had the potential to exert influence on an inmate's functioning and currently enjoy the greatest impact on the inmate population. There is really little surprising about this when one considers how great and continuous the degree of contact is between the inmate and

correctional officer. The custodial staff is with the inmate throughout his leisure, work and sleep time.

Does this "rehabilitative" role for a correctional officer at the Toronto Jail apply? It is likely that some will respond in a negative manner. The reply would be that the Toronto Jail is merely a temporary detention and transfer centre and is not involved in the treatment of offenders. This observation is quite correct but like many justifications for inaction when it is used frequently enough, and this one most certainly is, it becomes merely an excuse and loses its validity. Detention centres are an integral and important part of the entire correctional system and as such should conform to its overall philosophical goals which endorse the need for programs, activities and promotion of initiatives.

Such a reply [reveals] a failure to understand what is meant by the correctional officer playing a rehabilitative role. When speaking of such a role it is not suggested that the correctional officer become part of the treatment staff. What is sought is that the correctional officer exercise discretion in his dealings with the prisoners. It is hoped that he will charge his contacts with any particular inmate with dignity and respect. The correctional officer contributes to the overall atmosphere of the institution and the support of practices which are of a general therapeutic nature. He can, through his position, be effective in solving numerous small problems for the citizen who for one reason or another is in prison. It should be remembered that a prison stay can be a most depersonalizing experience for an offender complete with boredom and inactivity which should be minimized with appropriate work and recreation. The correctional officer can do much to offset and mitigate such damage by his handling of the inmates and the artificial situations inevitable in prison life. Nowhere are these observations more applicable than in regard to institutions such as the Toronto Jail. The influence of the correctional officer on a prisoner's future can be critical in an institution dealing with a number of first offenders and untried and unconvicted persons.

A prisoner in a New York state prison had the following to say about correctional officers:

I have all respect for doctors, the social workers, teachers, and other workers in the institution and I believe they do a good deal of good, but the greatest influence that can affect a man while in prison is his respect for someone on the prison staff whom he is under. I met such a man in officer ———. My great respect for him and the influence he exerted on me completely reformed my life and I feel that it will continue to exert its influence for my entire future.⁶

The rehabilitative role is therefore an emphasis on positive interaction and communication between correctional officers and inmates. Such interaction would break down the barrier of conflict between the participants of the "game", that is the inmates on one side and the officers on the other.

The role of a correctional officer has been well summarized by one author. The goal is, as he puts it:

Not to create a new role for the correctional officer, but merely to expand the boundaries of an old one. The goal is not to take from the correctional officer any of his security functions, but only to ensure that these functions are carried out as intelligently and as humanely as possible; not to remove control as his primary responsibility, but only to encourage him to see control as a means to an end and not an end in itself, and to understand the non-control functions of other staff members. In addition, it is hoped to reduce the conflict which typically characterizes officer-inmate relations, but this, too, is to be achieved by increasing the officer's interpersonal understanding and skills, not by changing his job in any significant way. In short, the goal is only to give the correctional officer an appreciation of rehabilitation and of his role in the rehabilitation process.⁷

The testimony of Hugh Sutherland . . . is most instructive. In the opinion of Mr. Sutherland the guards view the inmates as irredeemable and the rapport and communication between guard and prisoner are very poor. The guards display an army-like attitude and do not, for the most part, display the compassion and understanding that Mr. Sutherland feels are essential for a guard. I hope Mr. Sutherland has overstated his case.

Recruitment of correctional officers has been, is, and hopefully will not continue to be difficult. The career of being a jail guard has always ranked low in status among social service positions. It has all of the hazards of police service but none of the glamour. There is a notable absence of any precise code of duties and responsibilities for correctional officers. There is a notable absence of regulations similar to those enacted pursuant to the Police Act which afford a prospective candidate with knowledge and certainty of what is expected of his discipline and conduct, should he be employed. Once employed the correctional officer fulfils an essential role in law enforcement. Administrative expectations of his role have not been clearly defined thereby resulting in staff disciplinary difficulties. There should be a loyalty blanket. Loyalty of a disciplined and spirited nature to public service and not private or individual concern.

The position generally has little community support and a low public profile until the public interest is aroused by suicidal action or allegation of brutality. The gaze of the public looking-glass is then focused in but one direction.

Evidence at the inquiry has illustrated the basic unattractiveness of the physical and material conditions of the position. Working conditions are of a time past and work hours long and unpredictable. The demands of the new role assigned to correctional officers must also be faced. Perhaps the basic solution to the problem of increasing candidates for custodial staff lies in the general improvement of the material and social conditions of the position.

Until the significance of the security, custody and discipline roles with regard to their constructive impact on inmates, which is recognized now in words, is also recognized with increased compensation, prestige and career rewards,

it is to be expected that persons entering correctional services from the college level will gravitate to classification, training and treatment.⁸

Perhaps this feeling was best summarized by Dr. John MacLennan, who testified at the inquiry: "There is no non-monetary gratification and there is no monetary gratification in the work."⁹

I well recognize that efforts are presently being made and perhaps I do but repeat the obvious: to increase young recruits efforts should be made to disseminate career information to students and their counsellors, via pamphlets, films, career services tours and visits to institutions, part-time and summertime positions. Salaries, promotions, pensions and job security should be reviewed. Intensive in-service training to improve skill of correctional officers and emphasis on their rehabilitative roles should take place to attack the stigma attached to corrections.

The type of person fulfilling the role of correctional officer should be mature, emotionally stable, reasonably intelligent with understanding and compassion. Should an emergency arise as stated by Superintendent Dunbar he must be able to "talk the man down".¹⁰ The sum of the aforementioned characteristics is the need for "common sense", an attribute which is essential whether you are a member of the legal profession or a husband.

It has been stated than an objective of training is:

To allow all staff members, particularly correctional officers, to appreciate and understand the rehabilitative functions of the correctional institutions without, at the same time, jeopardizing institutional security. Training is thereby intended to enable staff members to perform their accustomed duties with an awareness of the impact they can and do have on inmates' attitudes and functioning. Thus, in terms of actual operation, the fundamental concern of such training programs is to make staff members more largely aware (1) of their own functioning on the job and (2) of inmates not only as individuals but as individuals responsive to staff and institutional behaviour – whether those behaviours are verbal or non-verbal and whether they are intended to provoke a response or intended to be casual.¹¹

The present system of training was introduced approximately six years ago and many of the employees on staff prior to that date have not taken the basic training program. What is lacking at present is an in-service training or upgrading program on a regular basis. Standing orders must be understood. Courses exist but they must be sought out by correctional officers on their own initiative and as the inquiry testimony indicates they are rarely availed of. The establishment of the staff training centre at the House of Concord will hopefully remedy this problem. The suspicion on the part of any inmate that employees exposed to the new philosophy will be crushed and "cut off at the knees" and slowly converted by an old school of experienced guards is not valid, and should there be any degree of validity in-service training will hopefully eliminate such concern. Unfortunately many of the staff at the Toronto Jail have not been exposed to the course content

of the present training program. Consideration should be given, as no doubt it has, to a compulsory and regular program of in-service training and upgrading, insofar as this is practicable, to provide the necessary exposure.

It has been said that "freedom is willing obedience to the law". It is only possible for those who recognize responsibility to others and that the exercise of one's rights is limited by the rights of others. Persons in detention must appreciate that their rights involve their responsibility to society generally and specifically to the staff with whom they associate. Correctional officers in turn must accept and respect the prisoners' dignity as human persons even when provoked.

"If they are going to arrest all these people and put them in these institutions then society has got to take the responsibility when you put them in that prison to make sure they are handled somewhat sensibly."¹² Acceptance of responsibility ideally will give birth to realistic attitudes. Yet prevailing attitudes far too often represent a reluctance to support and recognize correctional programs. The collective acceptance of responsibility by the community is lacking. This reluctance of acceptance is due partially to adverse publicity and partially to a failure to comment by the media.

This criticism, much of it inaccurate or wholly unfounded, has appeared in the news, editorial and syndicated columns of newspapers with local, regional and national circulation and in special articles by writers who mix jails and prisons with careless abandon, play up bad conditions or practices in an institution or system and play down whatever good features it has. They train their typewriters on a riot – large or small, violent or non-violent – as though they were covering the Chicago fire and the truth is often hidden by the smoke.¹³

The tragic deaths of Donald Raaflaub and Meredith Coleman at the Toronto Jail in the recent past were followed with widespread publicity and comment. Has the public been made aware of how many lives have been saved by alert correctional officers who intervened at the right time? Has the public been made aware that the medical practitioners at the Toronto Jail see 23,000 to 25,000 patients a year? Has the public had the opportunity to read and consider balanced reporting which in a positive manner represents the other view?

The typical correctional officer in the public mind is the inaccurate caricature of a brutal and unfeeling person. Little wonder there is difficulty in recruitment.

If I talked to three persons at the corner of Broadview and Gerrard Streets and inquired as to the prime purpose of detention it is likely there would be three responses. Warden Art Bernard of the Nevada State Prison said in 1959:

All I want is for people to tell me what they want done with prisoners. I'll find some way of doing it. If they want them punished, I'll punish them. If they want them reformed, I'll reform them. If they want them confined, I'll

try to confine them. The only thing is, people must realize that they can't have their cake and eat it too. If you want a man rehabilitated, you can't concentrate on punishing him.

Perhaps the community is a patient in need of treatment and should be the target of change through increased public relations by corrections.

The 17-year-old admitted to the crowded corridors of the Toronto Jail for the first time may feel that he has left a community of despair and that he will languish in the custody of impersonal agents of society. "He is out of sight, out of mind." Hugh Sutherland would like to be employed at the jail as he is an idealist. Hopefully and far better that the 17-year-old come into contact with a realistic and sensible correctional officer who is prepared to communicate and to be involved.

The task of the Commission is an enormous and difficult one. There is no doubt and I am confident the recommendations that result therefrom will more than justify the effort expended.

Notes

1. James Edward Jones – Pioneer Crimes and Punishments in Toronto and the Home District – Page 51.
2. Hugh Sutherland – Testimony at the Toronto Jail Inquiry – Page 8066.
3. A. I. Poslums – Counsel for David Jinks – Statement at the Toronto Jail Inquiry – Page 6920.
4. Michael Larocque – Testimony at the Toronto Jail Inquiry – Page 13959.
5. Frank Sparrow – Testimony at the Toronto Jail Inquiry – Page 8394.
6. Taft, *Criminology a Cultural Interpretation* – Page 45 – Quotation from a New York State prisoner.
7. B. S. Brown – *The Training Program as a Correctional Change Agent* (1971) Crime and Delinquency 302 and 304.
8. Schnurr – Pre-Service Training 50 *Journal of Criminal Law, Criminology and Police Service* – Pages 27 and 30.
9. Dr. John MacLennan – Testimony at the Toronto Jail Inquiry – Page 6360.
10. Superintendent Dunbar – Testimony at the Toronto Jail Inquiry – Page 14837.
11. Frank Sparrow – Testimony at the Toronto Jail Inquiry – Page 8399.
12. Austin MacCormick – *American Journal of Corrections* 1971 33/3, (5 and 17) – Fight Back.
13. G. Hill – How to Improve our Public Image – *American Journal of Corrections*, 1970 32/6 and Page 44.

Appendix 1

[The following is the text of a model act for the protection of rights of prisoners, published in 1972 by the United States Council on Crime and Delinquency.]

AN ACT
TO PROVIDE FOR MINIMUM STANDARDS FOR THE
PROTECTION OF RIGHTS OF PRISONERS

1. DECLARATION OF PURPOSE AND INTENT

The provisions of this Act shall be liberally construed to promote the intent of the Legislature as follows:

(a) The central principle underlying all rules, regulations, procedures, and practices relating to persons imprisoned in accordance with law shall be that such persons shall retain all rights of an ordinary citizen, except those expressly or by necessary implication taken by law.

(b) Such rights include but are not necessarily limited to nutritious food in adequate quantities; medical care; provision for an acceptable level of sanitation, ventilation, light, and a generally healthful environment; housing, providing for not less than fifty square feet of floor space in any confined sleeping area; reasonable opportunities for physical exercise and recreational activities; and protection against any physical or psychological abuse or unnecessary indignity.

(c) Persons in control of custodial facilities for prisoners shall be held responsible for maintaining minimum standards and shall make use of every resource available to them to prevent inhumane treatment of prisoners by employees, other prisoners, or any other persons.

(d) Measures shall be instituted and maintained within such facilities to protect against suicide or other self-destructive acts.

(e) All reasonable methods shall be used to protect against the theft or destruction of such personal property of prisoners as may be permitted in the institution.

2. INHUMANE TREATMENT PROHIBITED

Inhumane treatment includes but is not limited to the following acts or activities and is hereby prohibited:

(a) Striking, whipping, or otherwise imposing physical pain upon a prisoner as a measure of punishment.

(b) Any use of physical force by an employee except that which may be necessary for self-defense, to prevent or stop assault by one prisoner upon another person, and for prevention of riot or escape.

(c) Sexual or other assaults, by personnel or inmates.

(d) Any punitive or restrictive measure taken by the management or personnel in retaliation for assertion of rights.

(e) Any measure intended to degrade the prisoner, including insults and verbal abuse.

(f) Any discriminatory treatment based upon the prisoner's race, religion, nationality, or political beliefs.

3. ISOLATION IN SOLITARY CONFINEMENT

A prisoner may be placed in solitary confinement – segregation in a special cell or room – only under the following conditions:

(a) During such confinement, the prisoner shall receive daily at least 2,500 calories of food in the normal diet of prisoners not in isolation.

(b) The cell in which the prisoner is confined in solitary shall be at least as large as other cells in the institution and shall be adequately lighted during daylight hours. All of the necessities of civilized existence, such as a toilet, bedding, and water for drinking and washing, shall be provided. Normal room temperatures for comfortable living shall be maintained. If any of these necessities are removed temporarily, such removal shall be only to prevent suicide or self-destructive acts, or damage to the cell and its equipment.

(c) Under no circumstances shall a prisoner confined in solitary be deprived of normal prison clothing except for his own protection. If any such deprivation is temporarily necessary, he shall be provided with body clothing and bedding adequate to protect his health.

(d) A prisoner may not be confined in a solitary cell for punishment, and may be so confined only under conditions of emergency for his own protection or that of personnel or other prisoners. Confinement under such circumstances shall not be continued for longer than is necessary for the emergency. A prisoner's right to communicate with his attorney or the person or agency provided for in Section 5 to receive complaints shall not be interfered with.

(e) No prisoner shall be kept in a solitary cell for longer than one hour without the approval of the highest ranking officer on duty in the institution at the time.

(f) No prisoner may be kept in a solitary cell for any reason for longer than forty-eight hours without being examined by a medical doctor or other medical personnel under the doctor's direction.

(g) A log in a bound book shall be maintained at or near any solitary cell or cells, and employees in charge of such cell or cells shall be responsible for recording all admissions, releases, visits to the cell, and other events except those of the most routine nature.

4. DISCIPLINARY PROCEDURE

It is the responsibility of any person or persons in charge of the management of an institution for the confinement of prisoners to develop and describe in writing a fair and orderly procedure for processing disciplinary complaints against prisoners and to establish rules, regulations, and procedures to insure the maintenance of a high standard of fairness and equity. The rules shall prescribe offenses and the punishments for them that may be imposed. Any punishment that may affect the sentence or parole eligibility (such as the loss of good-time allowance) shall not be imposed without a hearing at which the prisoner shall have a right to be present and a right to be represented by counsel or some other person of his choice. A permanent record shall be maintained of all disciplinary complaints, the hearings, and the dispositions thereof.

5. GRIEVANCE PROCEDURE

The director of the State Department of Correction (or the equivalent official) shall establish a grievance procedure to which all prisoners confined within the system shall have access. Prisoners shall be entitled to report any grievance, whether or not it charges a violation of this Act, and to mail such communication to the head of the department. The grievance procedure established shall provide for an investigation (aside from any investigation made by the institution

or department) of all alleged grievances by a person or agency outside of the department, and for a written report of findings to be submitted to the department and the prisoner.

6. JUDICIAL RELIEF

A prisoner or group of prisoners alleging abuses in violation of this Act may petition [appropriate court] for relief. The court may afford any of the following remedies:

- (a) It may make a finding that the allegations are without merit.
- (b) It may issue an injunction, prohibitive or mandatory, or utilize any other appropriate remedy in law or equity.
- (c) It may prohibit further commitments to the institution.
- (d) If the abuses are found to be extensive and persistent, it may order the institution closed subject to a stay of a reasonable period, not to exceed six months, to permit the responsible authorities to correct the abuses. If the abuses are not corrected to the satisfaction of the court, it may order those prisoners who have a history of serious assaultive behavior to be transferred to another facility, and it may order the discharge of other prisoners.

7. VISITS TO PRISONERS AND INSTITUTIONS

The director of a department responsible for the operation of an institution or a system of institutions for the confinement of prisoners shall establish rules and regulations permitting attorneys of record, relatives, and friends to visit and talk in private with any prisoner in an institution at reasonable times and under reasonable limitations. The institution may be visited at any time by members of the state legislature, judges of the criminal appellate courts, the attorney general, and the governor.

Any other citizen may make application to visit an institution and talk in private with prisoners if the applicant establishes a legitimate reason for such visit and if the visit is not inconsistent with the public welfare and the safety and security of the institution. The director may reject any such application if the visit or any aspect thereof would be disruptive to the program of the institution.

If application for a visit is denied, the person may apply to [court of general jurisdiction] for an order directing the head of the institution to permit the visit. Such order shall be granted after notice and hearing if it is found that (a) the person is a representative of a public concern regarding the conditions of the prison, (b) he is not a mere curiosity seeker, and (c) it is not established by the head of the institution that the visit, or any aspect of it, would disrupt the program of the institution.

The John Howard Society of Ontario

(We wish to thank the Ministry of Correctional Services, the Superintendent, Correctional Officers and Inmates of the Toronto Jail who participated in discussions with us for their co-operation and frank expression of opinions which assisted us greatly in the preparation of the Brief.)

I. INVOLVING CITIZENS

The John Howard Society of Ontario takes its name from that of John Howard, the English penal reformer, who dedicated his life to improving conditions in the prisons of his time. Although nearly 200 years have passed since his death, the concern that he expressed remains just as important today. Essentially, it is that conditions in prisons should be as humane as possible.

Our concern is for the jailers as well as the jailed: for the jailers, that the nature of their task does not harden and embitter them, and for the jailed that imprisonment does not destroy their human dignity and self-respect.

On October 1, 1974, we wrote to the Honourable Richard Potter, M.D., Minister of Correctional Services¹ with respect to the *Toronto Star* story of September 30, 1974, on alleged beatings at the Metropolitan Toronto Jail, urging him to facilitate an open and public enquiry at the earliest possible time.

Subsequently, when the Royal Commission was established, we welcomed the invitation to make a submission and we are happy to have this oppor-

tunity today to speak to Your Honour. For the most part, our remarks are addressed to items two, three, and four of the Commission's terms of reference.² Also, at the request of the Executive Committee of the Board of the John Howard Society of Ontario, we wish to make some recommendations regarding inmates' rights.

This brief was prepared by a joint committee of the John Howard Society of Ontario and the John Howard Society of Toronto. The committee members are: Gwen Heffernan, board member; Keith Couse, executive director; Gordon MacFarlane, and Charles Houston, staff, all of the Ontario Society; and Dr. John Gandy, and John Smerciak, board members of our Toronto branch.

The Ministry has been most co-operative in providing us with orientation, staff training and operations documents and in making it possible for two groups of our committee members to visit the jail and interview groups of correctional officers and inmates separately. Some members of the committee have met with the Deputy Minister, Mr. Glenn Thompson, and two of his senior staff regarding training of new officers and we were permitted to see the plans of the two jails in Toronto now under construction. In keeping with our belief that citizens should participate in the criminal justice system and in prison planning, we endorse the principle of consultation with the community, groups and citizens, before plans are finalized.

The interest of our society in the Toronto Jail dates back to 1929 when the society was founded. The majority of men who have sought help from us through the years have spent time there, and our Toronto branch is in regular contact with many men in custody in the jail at the present time. We have shared the concerns expressed by others including several grand juries regarding general conditions and overcrowding and these were stated in the society's brief to the Minister of Correctional Services in June 1969.

The visits of our committee in May 1975 showed us that the situation had deteriorated even further. With the introduction of new regulations in the application of the recent Bail Reform Act, the Toronto Jail will be under greater pressure. We therefore urge that the completion of the jails now under construction in Toronto be given the utmost priority. For the sake of human decency, this matter cannot be delayed any longer.

In 1969, the Society recommended in its brief that the old jail be torn down. While this remains our position, we wonder if this in fact will occur. In the event that this does not occur we make the following recommendations:

RECOMMENDATION 1

That upon completion of the new jails, no inmates be housed in the old jail.

RECOMMENDATION 2

That the interior of the old jail be gutted and remodelled to provide for recreational facilities and to house the offices of administrative and service staff, thus providing accommodation in the newer wing.

We realize that overcrowding and shortage of staff are two of the major factors that contribute to tension. On one of the days of our visits the prison

population was in the neighbourhood of 800. We understand its capacity is 500 but this number is frequently greatly exceeded. It is very doubtful if much can be done to alleviate the pressures on inmates and staff until the jail population is substantially reduced.

In reference to the American scene, Ronald Goldfarb, in his book *Jails*³, states: "While writing about the American correction system, I travelled around the country to view American prisons and correctional programs. One shocking paradox became apparent to me. Our prisons are used to incarcerate men convicted of serious crimes and our jails (while housing some convicted men) primarily hold people who are awaiting trial, who have been convicted of nothing; yet our jails are far worse than our prisons." We are of the opinion that this paradox exists in Ontario as well, although effort is being made to rectify this situation through the erection of regional detention centres.

The position of the John Howard Society of Ontario is that the average citizen has a right and a responsibility to hold government institutions to account for policies, programs, facilities, and staff performance which are in fact provided by government on behalf of the community. It is also our belief that jails should be more closely linked at the administrative and program levels with the communities they serve. This becomes more difficult regarding the Toronto Jail because of the large numbers of people moving in and out every day and because of the subsequent demands upon staff resources. When we consider the Toronto Jail, we must recognize that it touches the lives of more people than any other corrective institution in Ontario. What happens to people within its walls is therefore a source of widespread concern.

Citizens' Committee

RECOMMENDATION 3

The John Howard Society of Ontario recommends that a Citizens' Committee consisting of five people who are not in the employ of the Ontario Government be set up by the Lieutenant Governor-in-Council to work with the Superintendent of the jail, to monitor prison conditions, to review officers' and inmates' complaints and decisions pertaining to disciplinary hearings.

The Society further recommends:

RECOMMENDATION 4

That such a committee meet regularly at monthly intervals with the Superintendent.

RECOMMENDATION 5

That members of the committee be on call to serve as required regarding situations that arise.

RECOMMENDATION 6

That members serve for three-year periods allowing for some continuity on a rotational basis.

II. ROLE AND FUNCTION OF CORRECTIONAL OFFICERS AT THE INSTITUTION

Richard A. McGee, in his article "Our Sick Jails", *Federal Probation*, March 1971⁴, refers to a speech given in October 1970 by Sheriff Michael H. Canlis, president of the National Sheriffs' Association, in which he stated: "If we are content ourselves with maintaining nothing more than a human warehouse, we are not only perpetuating the so-called failure of an element in the system of criminal justice, but we might, to some degree, be responsible for a contribution to some of the increases in crime."

Section A-8, *Staff Training and Development* of the Manual of Standards and Procedures, Vol. 1, Operational Procedures, Ministry of Correctional Services, states in the preamble:

In his demanding, yet rewarding, vocation, the officer is responsive to society's need to preserve order and ensure protection against criminal forms of conduct. He is aware, also, of the profound effects of the example he can set as a mature, responsible person in his supervisory relationships with inmates, and his co-operative attitudes toward fellow-officers and his supervisors.

The preamble goes on to say: "... this dual role of maintaining custody while providing an example of society's concern to help the inmate achieve a more stable and satisfying way of life upon release is a model which applies to correctional officers of all institutions".

Two Basic Roles

Essentially, therefore, the correctional officer is expected by the Ministry of Correctional Services to carry out two basic roles in his daily work: that of *custodian* and that of *influencing* positively the conduct of the inmate.

The first role is performed through the application of rules and procedures that are geared to preventing escape and ensuring the smooth daily operation of the jail. The second role is performed by example in the officer's relationships with inmates, fellow officers, and supervisors, and through his attitudes towards them. Doubt about the priority accorded the two roles, custodial and influencing conduct, in relationship to each other can be a source of confusion. Some officers may feel that the custodial role is the more important and other officers may feel that the role of influencing conduct should be given more priority. Individual preference for one role or

the other is also a factor.

It was the committee's impression that older long-service officers were more custodially minded and younger officers with less experience but more academic training were attracted to the challenge of trying to influence conduct.

Custodial Role

In his role as custodian, the correctional officer is required to be continually attentive to inmate security. This includes being alert for trouble between inmates, inmates and staff, infractions of rules and procedures, warning, reprimanding, and charging inmates as required, supervising and controlling them, escorting them through the jail and to court, when necessary.

The correctional officer is also required to attend to the security of the institution such as checking bars and grilles, seeing that doors are locked, and that nothing is happening to undermine the security of the building that may facilitate escape such as tampering with locks or leaving doors unlocked. He is also required to supervise visiting arrangements for inmates and to prevent contraband from being smuggled in or out of the jail.

Problems Which Interfere with Performance of Custodial Role

In an article entitled "The Wardens"⁵, Sylvia Kronstadt writes: "For men who are caged and utterly controlled by other men, manhood becomes a fragile treasure. In jail the only alternative to becoming a fearful and obedient child or a faceless number is to define manhood, to stake out its limits, to verbalize its ethics and to exert it in the few ways – most of them surreptitious – that are available. Prison life then becomes a continuum of skirmishes to preserve dignity, and all sorts of unlikely issues take on exaggerated significance."

This basic dynamic, to the extent that it exists, encompasses the jailers as well as the jailed. Many of the skirmishes pose a direct challenge to the officers' authority earned often after years of service. Furthermore, officers who are particularly sensitive about their "low status" jobs may interpret the lack of respect from prisoners, that such a challenge infers, as a confirmation of this fact.

The logistics of operating a jail are made more difficult by overcrowding and sudden changes in its population.

The Metropolitan Toronto Jail as it now stands is a maximum security institution. Yet, not all the inmates require this degree of security, and knowledge of this fact puts both the officers and the inmates under pressure.

In our sessions with correctional officers, some officers complained that rules and regulations were not consistently applied. This complaint was shared by some inmates who said "each officer has his own rules". One officer expressed surprise and complained about the lack of discipline used to reinforce regulations governing inmate conduct. When asked to elaborate

he said that privileges should be earned and taken away as indicated. He disagreed with the concept of inmates' rights.

While inmates expressed some realization of the necessity for rules and regulations, they thought some were unfair, mainly those which limit visiting. Some inmates resented the authoritative attitudes of some officers which one inmate, who had lived in British colonies, compared to "the colonial attitude of ex-British military types".

Many young offenders, because of early life experiences, resent authority. If rules and regulations are applied arbitrarily in a manner which they feel slights their feelings of worth, they will react aggressively, either in retaliation against the person applying the rule or they will challenge the rules in an active or passive manner. They will probably do this more so in the absence of any programs that provide outlets for frustration and excess energy. Correctional officers in one of our seminars expressed the opinion that 20 per cent of inmates are troublemakers and fit into this category. Ignorance of the rules and regulations, legitimate or feigned, by the inmates can aggravate security problems.

With reference to institutional security, the presence of two sections of the jail, the old and the new, gives rise to certain complications. Each section has its own locking system with its respective method of application, control in the old section being by hand and that in the new section being electronic.

Role of Influencing Inmate Conduct

While the Ministry of Correctional Services may recognize that a correctional officer can, through the example of his own behaviour, help the inmate achieve a more stable and satisfying way of life upon release, a model which the Ministry says applies to correctional officers of all institutions, it raises a number of questions. This ideal may be desirable but a number of factors may, in fact, prevent it from being achieved.

Problems Interfering with Influencing Conduct

We question whether society is concerned that the inmate be helped to achieve a more stable and satisfying way of life. Undoubtedly, some people are, but in the present climate of concern about increasing crime rates, a large portion of society is of the opinion that judges are too lenient, and is advocating stiffer sentences to remove offenders from circulation for longer periods of time without expressing any interest in their re-education.

One of the dangers facing correctional officers, particularly long-service officers, is overexposure to the problems and demands of people in confinement. Such exposure may cause attitudes of despair and cynicism to develop which interfere with the officers' abilities to relate effectively as correctional officers.

Correctional officers who are primarily custodially minded may feel they

have the support of a large segment of society thus encouraging them to challenge the more idealistic philosophy of the Ministry and to adopt the attitude that harsh rather than humane treatment towards inmates is more effective.

Because most inmates of the Toronto Jail are there for relatively short periods and because of the constantly changing population, opportunities for influencing inmate conduct in a positive way through the officer-inmate relationship on a continuing basis are limited.

Men deprived of their liberties for whatever reasons are often suspicious of the motives of their keepers who in turn are cautious if not also suspicious. This can become a vicious circle.

Recommendations for Facilitating Role Performance of Correctional Officers

The John Howard Society recommends:

RECOMMENDATION 7

That the Ministry of Correctional Services assist correctional officers to understand their role expectations within the context of the Ministry's correctional philosophy and to identify and relate to the emotional states and needs of the different groups of inmates in their care according to their status before the law: men on remand, men awaiting transfer to provincial correctional institutions and federal penitentiaries, men on short sentences, men on work release programs, men in custody for violation of immigration laws, and men who have been sentenced to death.

RECOMMENDATION 8

That in the new jails under construction separate quarters be set up for men on remand, inmates awaiting transfer to other institutions, and inmates serving short sentences.

RECOMMENDATION 9

That the development be facilitated of special programs and work assignments to counteract feelings of boredom due to idleness of inmates awaiting the disposition of their cases.

RECOMMENDATION 10

That the Ministry of Correctional Services assist correctional officers to identify their own feelings and conflicts in relation to role expectations. (This would help them recognize and understand their role preferences.)

RECOMMENDATION 11

That promotion be based on role performance in constructively influencing inmate conduct by example as well as on the performance of the role of custodian.

RECOMMENDATION 12

That the Ministry of Correctional Services assist correctional officers to

understand the reactions of different inmates to captivity, how these reactions are determined by personality factors and feelings toward the criminal justice system.

RECOMMENDATION 13

That the Ministry of Correctional Services help correctional officers to recognize the existence of and to understand the impact of the prison sub-culture upon the inmate population and upon the correctional officers themselves and how both inmates and officers attempt to cope with this impact and the stress it creates.

We believe that most of these recommendations can be facilitated through the use of discussion groups on a regular basis with the guidance of trained group workers whose primary job would be to work with staff to promote effective job performance.

III. THE PARTICULAR SERVICE DEMANDS UPON THE STAFF OF THE METROPOLITAN TORONTO JAIL

Within the context of the two role expectations, maintaining custody of the inmates and influencing their conduct, correctional officers perform a number of tasks.

All staff are required to follow the operational procedures in the performance of their work as stated in the Manual of Standards and Procedures. It is not possible in this brief to address each procedure but we identify this as a particular demand of primary importance: firstly, because these procedures define and reinforce the regulative and the routine nature of the work of staff at all levels, and, secondly, because the procedures should facilitate the role and job performance of staff in relation to the inmates in their custody and care.

Another demand of great importance is that of being responsive to inmates' need for attention so that feelings of personal worth and identity are not obliterated by the prison experience.

Closely related to this is the provision of accurate and appropriate information regarding questions that inmates may have about matters related to their status before the law, privileges, regulations, and operational procedures as they affect them.

Staff must be alert at all times to the behaviour of inmates and be able to spot problems in their early stages before crises develop so that preventive measures may be taken. Staff must be able to recognize when professional help is required and to obtain this help, often on an emergency basis.

Staff may be asked by inmates to expedite visits from family members or from their lawyers particularly when the inmates are upset and view their situations as urgent.

Staff must be prepared to listen to grievances from inmates and to be

able to identify legitimate complaints and bring these grievances to the attention of the appropriate personnel.

In the event of altercations between inmates and between inmates and staff, staff are required to apply the necessary measures to prevent physical harm or injuries to others or to themselves. This may involve the restrained use of force or of protective custody or segregation as required.

A major demand placed upon staff is the administrative content of the job. This requires keeping the log book up to date, noting movement and incidents in appropriate detail, maintaining other records and doing all necessary paperwork.

Supervision of staff and job training of new correctional officers are demands required of the more senior staff.

Meeting the public, family and other visitors of inmates, professional personnel and volunteers who are representing or working with inmates regarding their particular situations is a demand that involves staff at various levels.

Correctional officers interviewed stated that the job requires an ability to: deal with groups of men; cope with abusive language and behaviour; handle manipulative individuals who are often hostile; be under constant observation; use good judgment, and act with integrity. They identified the need for officers to have self-awareness, and thought it important to avoid becoming institutionalized.

Recommendations to Assist Staff to Meet the Demands of Their Work

The John Howard Society recommends:

RECOMMENDATION 14

That the Ministry of Correctional Services help correctional officers to identify the nature of the demands of their work, and to place in perspective the importance of these demands in relation to the correctional philosophy of the Ministry as applicable to the Toronto Jail.

RECOMMENDATION 15

That correctional officers be helped to recognize what demands are realistic and unrealistic, particularly those made by the inmate population and how to relate to these demands without compromising their integrity.

RECOMMENDATION 16

That correctional officers be helped to exercise sound judgment through use of role playing techniques in staff training sessions.

RECOMMENDATION 17

That correctional officers have opportunities for input into the regulations and procedures that determine to a large extent the nature of their tasks and how they perform them. In this way they will gain a sense of participation in establishing realistic job expectations that play a large part in determining work attitudes and ultimately the prevailing climate in the jail.

IV. PROBLEMS ENCOUNTERED BY CORRECTIONAL OFFICERS IN THEIR WORK

In our sessions with correctional officers they impressed us as being frank and honest in their discussions. They were interested in talking about the problems they encountered in relation to their jobs.

Low-Status Job

Correctional officers were unanimous that society does not recognize the importance of their job and hence they are underpaid regardless of a recent substantial increase in pay. The opinion was expressed by an officer in one of the sessions that their salary scale should be equivalent to that of the Ontario Provincial Police. The other officers in the groups supported him.

One group of officers described their position as being at the "bottom of the ladder". They also felt that they could not interpret their jobs to the public and they felt uncomfortable when they were identified in public as "guards in the Don Jail".

Recommendations for Improving Job Status

The John Howard Society of Ontario recommends:

RECOMMENDATION 18

That steps be taken by the Ministry of Correctional Services to improve the self-image and the community image of correctional officers. This might be accomplished through a concerted use of the media to interpret the work of correctional officers and for recruitment purposes. And that salaries be reviewed regularly with a view to drawing up a scale which would provide an attractive incentive.

The following specific problems were identified by correctional officers:

Overcrowding – Correctional officers interviewed agreed that this was the main problem because of the tensions it caused in interpersonal relationships.

Understaffing – Closely related to overcrowding is the lack of sufficient staff. The officers stated that without exception it is often necessary to work overtime and if they worked to rule the institution would come to a quick operational stop. They said it was hard to get time off.

Lack of Discipline and Disrespect of Inmates for Officers – Correctional officers expressed the opinion that discipline was inconsistent and not strict enough. Some officers felt there was too much emphasis on in-

dividualizing relationships with inmates which weakened discipline. At the same time, officers complained of inmates' disrespect and thought they should be deprived of privileges more readily, no tobacco, for instance. Officers identified the troublemakers in the inmate population as an element among young offenders, about 20 per cent, who are trying to prove how tough they are by their defiant attitude.

Men on Intermittent Sentences – Some officers complained about men on intermittent sentences who are admitted to the jails on weekends and then released. Often they are “stoned” when they arrive; using the officers' own words, “They try to smuggle contraband and, because they know they will be returning to their homes after the weekend, feel they do not have to obey the prison rules and are often abusive.” The officers felt that there were not sufficient facilities at the jail for this program and that it was disruptive of routine.

Unfair Employment Conditions – Resentment was expressed by some officers towards supervisory personnel. Their complaints were generally in the area of working conditions, low pay, the amount of overtime required, lieu days and benefits. They felt, however, that the union was becoming more effective. Mention was made of the lack of relief from tension when it builds up and some guards expressed the feeling that they would be discriminated against by senior personnel if these tensions were revealed. One officer who had had a long bout of overtime stated that he had reached the point where his nerves were going to break if he did not get time off; he told us that he did not give this as his reason, however, because he was afraid it would prejudice his chances for job promotion if such a reason were entered in his personnel record.

The Generation Gap Between Officers and Inmates – There is an obvious difference in the average age of correctional officers and that of the inmates, the average age of the officer being more than 20 years older. Some officers complained about the slovenly appearance of many of the younger prisoners – long hair, lack of grooming and cleanliness. They also complained about the language habits, liberal use of obscenities which they interpreted as abusive and showing lack of respect.

Racial Tension – An area that was mentioned by some officers was racial tension. The feeling was expressed that there are too many black officers (at the time of the visit there were approximately 10). Fear was expressed by one officer that in the event that a black inmate needed to be disciplined and if support for the officer were required and the nearest officer able to give assistance was black, he may side with the inmate against the guard. One officer offered the suggestion that black inmates and black officers should be housed in a separate section of the jail. He couched this suggestion by adding that it was a point of view that would probably not get any support. It is the committee's feeling that unless something is done to handle officers' fears about racial tension and equip

them to deal with these tensions as well as their own racial attitudes, a serious situation could develop.

Recommendations Regarding Specific Problems Encountered by Correctional Officers

The John Howard Society of Ontario recommends:

RECOMMENDATION 19

That accommodation other than the Toronto Jail be provided for men serving intermittent sentences and that men arriving at such accommodation in an intoxicated condition not be accepted with the requirement that the particular portion of the intermittent sentence will remain to be served.

RECOMMENDATION 20

That because of the dissatisfaction with employment conditions expressed by several correctional officers, consideration be given by the Royal Commission to recommend that the Ombudsman for Ontario look into this area in some depth with a view to bringing about necessary improvements.⁶

RECOMMENDATION 21

That because Toronto is becoming increasingly multi-racial and multi-cultural which is being reflected in the jail population, the Ministry of Correctional Services now consult the Human Rights Commission to develop ways of reducing racial tension in the jail and to help staff deal constructively with this problem that some officers have already identified.

V. RECRUITMENT AND TRAINING

In "Jails",⁷ Ronald Goldfarb refers to a book written by Edith Flynn entitled *Jails and Criminal Justice* in which she states: "Unless the jailer and his staff are intelligent, experienced, and trained in workable jail procedure, only contamination and degradation of human personality result."

The Ministry of Correctional Services has provided to the Society for reference purposes the Staff Training and Development Handbook, other staff training materials, and a copy of the Task Force Report on Orientation and Basic Training of Correctional Officers and Supervisors of Juveniles.

We have shared our reactions to the Task Force Report with Mr. Glenn Thompson, the Deputy Minister, and with Mr. Douglas Mackey, Director of Staff Training and Development, and we include them as an appendix to this report.

We wish, however, to make a few general comments pertaining to this very important subject because in essence the quality of recruitment and training determines in large measure the climate in and the level of the

daily operation of our jails.

Because correctional officers are required to work with men in confinement who are deprived of their liberty and, consequently, under the duress of an unnatural environment, a high degree of personal maturity, integrity, and sound judgment is required.

The screening of applicants and the selection process are crucial to ensure that the right personnel are hired. We therefore believe that a comprehensive assessment for each candidate must be a part of this process. We think that this is necessary to screen out people who are abusive to others in a subordinate position, impulsive in their actions under pressure, and generally insensitive to other human beings. Tests geared to revealing the attitudes of applicants in these particular areas should be utilized.

We think it is essential that personnel with a strong motivation to improve their knowledge and to develop their skills in working with people be selected. Formal education completed at the time of application should include Grade XIII or its equivalent.

Because of the fact that Toronto's population is now comprised of various racial and cultural groups which is reflected in the jail population, we think that the Ministry of Correctional Services should make a particular effort to recruit people with personal knowledge and experience in this regard.

We do not think that preference should automatically be given to applicants with military or police experience. While we do not think that they should necessarily be excluded, we feel that the other qualifications we have mentioned should be considered more important. Although there may be some similarities in the nature of the work of the military, policemen and correctional officers, the goals are substantially different. Correctional officers, according to the Manual of Standards and Procedures, are faced with "the dual role of maintaining custody while providing an example of society's concern to help the inmate achieve a more stable and satisfying way of life upon release".

We believe that the job of correctional officers has to be more widely interpreted to the public and that the challenging nature of the work and its importance must be emphasized. Greater and effective use of the media should be employed for this purpose.

Salaries and personnel benefits must be kept attractive as an incentive to recruits with desirable qualifications and opportunities for and avenues of promotion should be clearly visible.

With reference to training, we support the idea that basic training should be integrated during the probationary experience with ample opportunities for continued development for permanent employees. The Staff Training and Development Handbook reflects a spirit of some enthusiasm in this regard on the part of the Ministry of Correctional Services for encouraging such development. Refresher courses for long service personnel and management training for administrative personnel should be considered an important part of training.

In Section A-2 of this handbook it states that the Ministry's policy is moving in the direction of having program managers (i.e., directors, superintendents, principals, supervisors, etc.) plan, develop, and implement their

own staff training and development programs. There are, however, basic ingredients which we feel should be a part of a common training program for new recruits and of staff development for permanent employees. These ingredients are as follows:

A course in human growth and development in its normal and abnormal aspects with particular reference to the reactions of people in stressful and confining situations; a course in basic human needs.

A study of the causes of crime in society, methods of crime control and fundamental issues pertaining to corrections.

A course in the criminal justice system of Canada.

A course in effective communication.

A course in the characteristics of prison sub-cultures.

A course in the use of discipline and the restrained use of force to maintain order.

A course in cultural differences in behaviour and attitudes toward crime.

A course in developing self-awareness regarding youth groups, offenders, racial groups, minority groups, and deviant groups to help employees recognize and understand their own attitudes. We feel this to be of particular importance to prevent prejudice and racism from gaining impetus in our prison system and to encourage better communication between correctional officers and individuals in their care.

A course in management and operational procedures, particularly for senior staff.

A course in prison and community relationships stressing the resources that exist to assist prisoners in their return to society.

This list is not necessarily exhaustive but we feel that the courses should reflect the Ministry's philosophy and help to develop and instil attitudes in staff conducive to the effective performance of their roles as correctional officers.

VI. INMATES' COMPLAINTS

John Milton writes in *Areopagitica*,⁸ "For this is not the liberty which we can hope, that no grievance ever should arise in the Commonwealth, that let no man in this world expect; but when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty attained."

For whatever reason a man has been jailed, we can be reasonably sure that he is being held against his will. This fact takes on considerable importance when we wonder sometimes if the demands made on the jailers by the jailed are in any way reasonable. The one thing they want that the jailers cannot give them is their freedom. Is it any wonder, then, that the jailed cry for all they can get within this limitation?

We have listed below a number of the complaints stated by inmates in their sessions with us, and then in the following section we list some rights that we consider basic:

- Inmates dread the weekends; there are few services available.
- Overcrowding is a problem that they share with correctional officers.
- Staff often work double shifts which makes them difficult to get along with.
- Censorship of mail.
- Inability to secure reading matter that is considered controversial.
- They stated that 80 per cent of the value of visiting is lost because of the presence of the glass partition and the necessity to use the telephone to communicate.
- Lack of soap.
- Lack of personnel who can speak languages other than English.
- Insufficient amount of recreation; no hall for movies.
- Lack of community programs.
- Lack of communication between correctional officers and inmates.
- Difficulty encountered in getting to see the Superintendent.
- Length of waiting period before transfer to other institutions.
- Lack of consistency by correctional officers in enforcing rules (every officer has his own set).
- Too many ex-British Army types with colonial attitudes are employed as correctional officers.
- Inmates that testified before the Royal Commission should have been screened by an inmate committee on the basis that "no con can con another con".

The John Howard Society of Ontario recommends:

RECOMMENDATION 22

That in addition to the information booklet provided to prisoners upon admission to the jail, rules and regulations pertaining to all aspects of prison life be posted in key areas throughout the institution.

RECOMMENDATION 23

That inmate committees be established for each of the different groups of inmates according to legal status.

RECOMMENDATION 24

That grievances should be noted and brought formally to the Superintendent's attention who, in turn, should consult with the Citizens' Committee.

VII. INMATES' RIGHTS

The John Howard Society of Ontario believes that wherever possible alternatives to imprisonment should be employed. While we recognize that im-

prisonment is sometimes necessary, our position is that it should be used as a last resort rather than selected automatically as a first choice without considering the options available.

Imprisonment is necessary for individuals whose presence in court for trial purposes cannot be otherwise guaranteed. These people are normally held without bail in local jails. Imprisonment is also necessary to protect society from dangerous individuals, who present a proven danger to the community. But offenders in these categories constitute a small minority of people in Canadian penal institutions today. The great majority of inmates have committed property offences. They have either been deprived of their liberty as a punishment for the crimes they have committed or they have been imprisoned as an example to others that they might be deterred from committing such offences.

For whatever reason a person's status before the law may be that of inmate, the John Howard Society of Ontario believes that he retains his status as a human being and therefore the right to be treated in a humane manner.

In the past, little attention has been paid to inmates' complaints and the attitude of the courts has generally been one of "hands off". Virtually, the courts are without power to supervise prison administration or to interfere with the ordinary prison rules or regulations. There is evidence that this is no longer an inviolate rule in the United States and in Canada. The Law Reform Commission of Canada has recently issued Working Paper Eleven, "Imprisonment and Release", which advocates that it would be helpful to have a Sentence Supervision Board⁹ independent of the correctional and prison administration. This board would be charged with the responsibility for making or reviewing key decisions affecting conditions of imprisonment and release procedures.

One often hears the question asked if inmates have any rights at all or if everything that is extended to them is a privilege. The John Howard Society of Ontario takes the position that everything that is required to ensure the humane treatment of inmates is a right. While this right may not be stated in any specific legislation, it remains, in our opinion, a moral and ethical responsibility of the state.

We have read the Manual of Standards and Procedures which spells out in considerable detail the policies, rules and regulations governing staff in their work and the lives of inmates. While it is not possible within the scope of this brief to detail our responses to the same extent, we wish, for the record, to state what we believe are basic rights of every prisoner.

The John Howard Society of Ontario believes that inmates have:

A right to nutrition provided by a wholesome balanced diet planned by a professional dietician in accordance with acceptable nutritional standards. Special diets for health and religious reasons should be made available.

A right to clothing appropriate for the season of the year and to clean clothing at least twice a week and when otherwise required. This clothing should be of reasonable fit.

A right to clean and adequate accommodation including bedding, running

water, and toilet facilities, equipment and health care facilities that meet acceptable medical and dental standards.¹⁰ This includes the right to be transferred to hospital facilities in the community for medical or psychiatric attention as required.

A right to recreation and the use of proper facilities for physical fitness activities.

A right of access to legal counsel and other professional personnel that they may wish to consult regarding their personal situations and a right to be advised to this effect by notices printed in the main languages of the inmate population and posted on the walls throughout the prison where they can be readily seen.

A right to continue one's education through classes or correspondence courses and to have access to appropriate library and study materials.

In addition to provision for the basic needs that we have just mentioned, we believe the rights of prisoners should also include:

Correspondence by mail – We believe that no restriction should be placed on the number of letters received or written by inmates whether in the general population of the jail or in segregation. We believe that letters written to or by inmates should be read by selected staff as directed by the Superintendent when there are grounds for suspecting that the safety and the security of the prison staff, other inmates, people in the community, and the correspondents, including the inmate himself, are threatened. In the event that a letter written by an inmate is found to contain such information, we believe that the matter should be discussed with the inmate by the staff person in the presence of the Superintendent or his Deputy. We recognize that if a letter written to an inmate contains such information it may be necessary to bring it to the attention of the police and the appropriate senior staff of the Ministry of Correctional Services.

Telephone messages – We believe that all reasonable requests by inmates to place telephone calls should be permitted subject to monitoring by prison staff. Telephone calls of an urgent or a compassionate nature from or to family members and professional personnel pertaining to the inmate's situation should be given priority.

Visiting – Inmates who maintain family and social contacts with the community during incarceration are often more easily able to effect their social adjustments to the community upon release. We believe, therefore, that visiting arrangements should be as liberal as possible without undermining the security of the institution and the safety of inmates and staff.

The Manual of Standards and Procedures, Volume 1, Book 2, Operational Procedures H-2, P. 1, states:

Jails normally maintain visiting periods of four hours each day, seven days a

week. These hours fall between 9 a.m. to 11 a.m. and 2 p.m. to 4 p.m.

Evening visiting periods may be substituted for daytime visiting periods twice a week at the discretion of the Superintendent.

We have been advised that there is no evening or Sunday visiting although visiting is permitted on Saturdays from 8:15 a.m. to 11 a.m. This means that visiting hours are considerably restricted and that many working relatives and friends are required to take time off their jobs with possible loss of pay to visit inmates.

The John Howard Society of Ontario recommends:

RECOMMENDATION 25

That the visiting hours be expanded to comply with the statement in the manual and that evening hours for visiting from 6:30 p.m. to 8:30 p.m., Monday to Friday, be instituted in addition.

Receipt of literature – To help inmates maintain contact with the outside world, we believe that they have a right of access to books, newspapers, magazines, and other publications as long as they do not constitute a threat to the security of the institution. However, we question whether material should be withheld from an inmate because it is deemed to be contrary to his effective rehabilitation. This involves a value judgment and one that should not be made without the inmate's participation.

Religious freedom – We believe that inmates should have ample opportunities for contact with official personnel (ministers, priests, rabbis, or other clergy) from any religious group of their choice. Worship services should be available if possible in all faiths that inmates prefer.

Misconduct – The John Howard Society of Ontario recognizes that certain rules must be in force and be followed to guarantee the security and operation of the jail, the safety of staff and inmates, and the protection of society. We believe that a booklet containing the rules and regulations printed in the main languages of the prison population should be issued to every inmate when he is admitted rather than putting the onus on him to pick one up from the supply that may be available.

Before an inmate is punished for breaking a rule, we believe that the violation should be substantiated on a factual basis or finding. Mere suspicion should not be enough to constrict an inmate's privileges beyond those of the general population. We believe that a high degree of safeguarding is necessary when the resulting punishment is segregation, loss of good time, or some other harsh penalty.

Although it is our belief that due process of law should apply in these situations, the present system does not allow for this.

The John Howard Society recommends:

RECOMMENDATION 26

That a hearing be held before the Superintendent at which the correctional officer and the inmate in question would participate to decide if the inmate is guilty as charged and to determine the appropriate punishment.

RECOMMENDATION 27

That a report of the proceedings should be prepared with copies to the inmate(s) involved, their personal file(s), the institutional file, and to the minutes file.

RECOMMENDATION 28

That a report of the proceedings of this hearing be made available to the Citizens' Committee for the purposes of review.

Segregation – For whichever reason segregation may be deemed necessary, the John Howard Society of Ontario recommends:

RECOMMENDATION 29

That no sentence of segregation commence until the consent of a duly qualified medical practitioner, preferably a psychiatrist, has been obtained.

RECOMMENDATION 30

That continuing medical surveillance of inmates in segregation be provided by a registered nurse directly responsible to the jail physician or, in the absence of such a person, by the said physician.

RECOMMENDATION 31

That the situation of the inmate in segregation be reviewed at the end of three days (he may be released to the general jail population earlier at the Superintendent's discretion) by the Superintendent, the officer in charge, the jail physician, other appropriate service personnel, and two members of the Citizens' Committee to determine if further segregation is required.

RECOMMENDATION 32

That a report of the proceedings be prepared with copies to the inmate(s) involved, their personal file(s), the institutional file, the Regional Director, the Director of Adult Institutions, and the chairman of the Citizens' Committee.

RECOMMENDATION 33

That if it is necessary to continue segregation it should not exceed a period of 10 days from the original date of commencement. (The prisoner may be released to the general jail population earlier at the Superintendent's discretion.)

Conclusion

The John Howard Society of Ontario recognizes that to live or to work in a

jail is to be involved in a world fraught with many problems and complexities. We know that there are no simple solutions, but, if jails are to continue to exist, we cannot ignore their potential for brutalizing the lives of those who dwell and work within. This brief offers some recommendations to provide safeguards against the realization of this potential.

Notes

1. See Appendix I, letter dated October 1, 1974, from A. K. Couse, Executive Director, the John Howard Society of Ontario, to the Hon. Richard Potter, M.D., Minister of Correctional Services.
2. The Commission's terms of reference regarding items two, three and four are: (2) the role and function of the correctional officers at the Toronto Jail; (3) the particular service demands upon the staff; (4) the methods of recruitment, selection, orientation and training of correctional officers at the jail.
3. *Jails*, Ronald Goldfarb, Doubleday, New York, 1975.
4. *Federal Probation*, a Journal of Correctional Philosophy and Practice, published quarterly by the Administrative Office of the United States' Courts in co-operation with the Bureau of Prisons, Department of Justice, Washington, D.C.
5. *Penthouse*, the International Magazine for Men, December, 1975.
6. We are aware that these matters lend themselves to negotiations between the Ministry of Correctional Services and the union representing correctional officers, but the degree of complaints expressed indicated that an independent viewpoint was required.
7. See footnote 3.
8. An essay by John Milton, 1644.
9. See Chapter 9, pages 41-2, of *Imprisonment and Release*.
10. See *Enquiry into the Health Care System in the Ministry of Correctional Services*, report to the Minister by E. H. Botterell, November 28, 1972, with specific reference to recommendations 14, 15 and 16, page 214; recommendations 17 and 18, page 215; recommendation 35, page 218; and recommendations 100, 101, 102, 103, 104 and 105, page 226.

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Appendix 1

October 1, 1974.

Hon. Richard Potter, M.D.,
Minister of Correctional Services,
Parliament Buildings,
TORONTO, Ontario,
M5G 1R6.

Honorable Sir:

With respect to the *Toronto Daily Star* story of September 30, 1974, on alleged beatings at the Metropolitan Toronto Jail, we would urge you to facilitate an open and public enquiry at the earliest possible time.

Our Society respects the goals and objectives of your Ministry as set out in your Statement of Purpose. We respect as well the quality of professional leadership given within your Ministry to achieve these objectives. We are aware of the substantial efforts made within the Ministry to select, train and prepare staff for their very difficult tasks in prison settings. We have no illusions about the difficulties which face Correctional Officers and prisoners, particularly in closed settings like the Metropolitan Toronto Jail, where a very heavy volume of prisoners are received and discharged daily and where prisoners reflect a very wide range of human problems and human potential.

It is because of the difficult task that faces your Ministry and the progress that it has recently made that we feel full public understanding is essential. An enquiry, however thorough, which is conducted either by your Ministry or a related criminal justice service, that is the police, may be perceived by the general public as a means of protecting information.

Such secrecy may allow misinformation and public misconceptions to develop, when it is clear that the complexity of your tasks requires the fullest public understanding and support.

Yours sincerely,
A. K. COUSE,
Executive Director.

Appendix 2

The following is a summary of observations made on The Task Force Report on Orientation and Basic Training of Correctional Officers and Supervisors of Juveniles.

1. We support the efforts to shift the level of training, to attempt to integrate it during the probationary experience and to develop it regionally.
2. We react within several limits:
 - no knowledge of Handbook content
 - no knowledge of Training Officer role, responsibility and thrust of his training material
 - lack of knowledge of selection process
 - lack of knowledge of appraisal process
 - no knowledge of “guided study” meaning

OVERALL REACTIONS

1. The section on selection and recruitment seems to have received very little attention from the committee. It does not assume the importance that we consider essential.
2. There is lack of clarity about the role of community colleges in the proposed model.
3. Basic training content appears to concentrate on functional job requirements, that is, the needs of the organization and not sufficiently on the needs of students and inmates. There is a disproportionate emphasis on learning the regulations.
4. We have the general feeling that you are moving in this proposal to a more closed system and that you are becoming very internally oriented.
5. We have no consensus, but some of us question the lumping together of the basic training needs for working with adults and children at the outset, although it is clear that you distinguish between needs just before staff become permanent.

SPECIFICS

1. Recruitment

There is an implication that the community colleges will be a primary source for recruitment. If this is true, we would question that decision until the im-

part of students coming from that source is evaluated in operative terms. We see some serious problem areas because of the age of this group and the lack of opportunity to work through authority problems. We recognize the tremendous potential of young people, but hope that recruitment will be open to others with different experience and capacity as part of your total manpower development program.

2. *Selection*

We are wondering if you will use any tests in your selection of staff as is apparently done when recruiting for probation. If tests are valid for probation they are even more important for people who work with individuals in custody.

3. *Attitudes*

Our main concern about the basic training is that there should be more concentration on human attitudes and human dynamics from day one of the program. We recognize the need to gear people to management, control and safety requirements, but basic training should be set within an attitudinal framework, assuming that attitudes can be developed from the start. Specifically, for example, the document concentrates on the inmate sub-culture, when we would prefer that knowledge around organizational dynamics and institutional sub-culture, both inmate and staff, should be developed.

4. *Role of Community College*

We reacted strongly to the suggestion that the chairman of the correctional worker program be a Ministry employee. We wonder if this is defensible in a community college structure and whether it does not serve to close off your educational system.

5. *Basic Training and Development*

We question the exclusion of a developmental expectation within basic training. We see a developmental role from day one.

6. *Public Education*

We wonder whether it is a feasible expectation that beginning and junior correctional officers educate the public. We would want these staff members to be quite sensitive to public attitudes, to be responsive to citizens who are willing to participate in Ministry programs.

Beyond public relations, we believe that public education functions require a level of sophistication that cannot be expected from staff of this experience. It would mean that this staff would have to acknowledge some serious limitations in their own role, which may be very destructive to them, and may not even be possible in their role as civil servants.

7. *Orientation Period*

We feel that this period of time is extremely important and there has been insufficient time allocated for it.

8. *Who Trains the Trainers?*

If the model is developed as proposed, it is critical that a period of develop-

ment for the trainers themselves be used and that this would require leadership from hand picked staff within the Ministry as well as those from outside. We believe that it is important that a professional career line in staff training be assured and that secondment to staff training as part of staff development should not preclude this career line.

24/3/75

Prof. John Gandy

Charles Houston

Keith Couse

Committee members preparing J.H.S. Ontario and
J.H.S. Metro submission to Royal Commission on
the Toronto Jail

P. D. Van Horne

*Regional Personnel Administrator, Central Region
Ministry of Correctional Services*

[Report dated January 29, 1975, at which time the Toronto Jail was one of the institutions within Mr. Van Horne's department. Anticipating that the Commission would be interested, Mr. Van Horne prepared this report and forwarded it to the Commission.]

A PERSONNEL PERSPECTIVE

This survey of personnel records concerning correctional staff at the Toronto Jail was undertaken in response to the information requirements of the present Royal Commission on the Toronto Jail and Custodial Services. The data involved was gathered during the month of December 1974, thus some changes may have occurred since that time; however, the general information provided remains accurate.

Recruitment at the Toronto Jail is a constant ongoing process for a number of reasons, some of which become apparent during this survey. This continuing process of staff changeover results in fluctuations in the total number of correctional officers on staff at any one time. Thus for the purposes of this survey, a figure of 170 correctional officers was chosen which represents an average figure for the period studied. This figure of 170 officers involves approximately 145 male and 25 female staff.

The survey includes the various correctional officer levels, through 6, although the majority were classified at the Correctional Officer 2 level. There

are additionally 18 members of the unclassified staff employed as casual (part-time) correctional officers. These employees have not been included in the survey as they are employed 24 hours or less per week as correctional officers. Their personnel files do not provide the extensive information available regarding regular staff. . . .

CONCLUSIONS

The available data concerning the average age of correctional officers in the Toronto Jail indicates that in general the staff are older than in many other institutions. This situation would tend to aggravate the existing difficulties between correctional officers and a youthful inmate population. Efforts should be made to recruit younger correctional officers who possess the maturity needed for this type of position. This may reduce the extreme polarization currently in evidence between these two groups.

Similarly, the educational level of the average correctional officer at the Toronto Jail is somewhat lower than that found in other institutions. The average educational level of the inmate population appears to be equalling or exceeding this level. This would appear to be another added problem in the relationship between the correctional officer and the inmates he must supervise. Thus an emphasis on recruiting correctional officers with a higher level of education than the current average would seem appropriate.

Recruitment appears to require extensive modification to adequately service the correctional officer demand at the Toronto Jail. The walk-in type of application, which accounted for 50.58% of the applications received, provides very few suitable applicants and consumes a great deal of valuable time. Often, this type of applicant fails to appear for his interview which causes more delay and difficulties. Newspaper advertisements could be more extensively used and a more satisfactory liaison with Canada Manpower would appear to be essential.

The figures suggest that almost 50% of the correctional officers surveyed did not have any previous experience in this position or a related position. This lack of experience may account for the number of staff who resign during the probationary period of employment. Unusually high sick leave figures may also indicate the problems associated with inexperienced staff.

A suggestion would be to establish a program whereby correctional officers and employees in related fields in other jurisdictions are made aware of the employment opportunities existing in Ontario's correctional system. Once more experienced employees are recruited a more comprehensive on-the-job training program might be established to increase the correctional officer's familiarity and competence in his job. The existing correspondence course appears somewhat limited in achieving the desired results of successfully integrating new staff into the jail system.

Although 42.94% of the correctional officers have been employed at the jail five years or less, the average length of service was 8.44 years. In the

institutional setting, there is a definite tendency for a correctional officer to remain in one position once he has mastered the demands of that job. When the average length of service of this group is considered, it becomes evident that most positions will become routine and monotonous after a certain period of time. A suggestion would be that, as far as possible, correctional officers be rotated through various duties in the jail. It is recognized that this may appear inconvenient and time-consuming; however, the correctional officer should benefit from this system in terms of job satisfaction and increased experience for the purpose of promotional opportunities.

Although the vacancy rate for correctional officers is less than for other categories in the institution, it has serious consequences when combined with the attendance rate. The security aspects of the correctional officer's function necessitate that adequate coverage be provided regardless of circumstances. Thus when this group is understaffed for various reasons, correctional officers must work overtime to ensure the security of the institution. When this situation exists for long periods of time, the demand of this type of schedule cause the absenteeism rate to increase. Similarly, when staff are absent, for staff-training courses or through illness or injury, coverage must be provided. Coverage is provided at present through the use of casual staff and correctional officers working overtime. A more satisfactory situation would be to bring the correctional officer staff up to complement through active recruiting. An effort to increase job satisfaction through staff training and development or other means might have a positive effect on the attendance figures.

A gradual increase in resignations [occurred] from 1969 to 1974. Although resignations are a response to a variety of situations, there would appear to be several ways to counteract this trend. Recruitment is a crucial factor in determining the type of employee a new applicant may become. Thus, an indiscriminating approach to recruitment in order to fill vacancies generally results in resignations occurring within the probationary period of employment. Recruitment therefore must be responsive to the specialized needs of the institution and the individual.

Similarly, using a new employee in a demanding, responsible position without adequate job orientation may cause resignations. A more personalized staff training program in which employees can verbalize their frustrations and generalize their problems may be helpful. The personnel administrator in the institution has an important function in reducing the feelings of alienation and powerlessness that occur in the correctional officer group. The employee must feel that the administration is knowledgeable about his function and responsive to his needs; otherwise, resignations will continue to increase.

Salary levels have been a major complaint of the correctional officer group at the Toronto Jail since the province assumed responsibility for the institution in 1968. At the time of this study, salary levels were being negotiated by union representatives of the bargaining unit. The January 1, 1975, increase in salary for correctional officers has generally reduced this area of concern. However, the salary increase for correctional officers has caused the other categories in the institution to expect a similar increase, which

Salary Comparison Levels in Dollars

Category	1977	1976	1975	1974	1973	1972	1971	1970	1969
O.P.P. constable (after 3 years)	18,935	17,625	16,100	13,536	12,250	11,062	9,666	9,118	7,944
Federal penitentiary workers	15,450	13,809	13,027	N/A	10,884	10,336	9,779	8,891	8,369
Observer in detention home	13,082	12,191	N/A	11,168	9,883	9,324	8,714	N/A	N/A
Child care worker	13,082	12,191	N/A	11,168	9,883	9,324	8,714	8,218	7,553
Correctional officer (Grade 2, maximum)	14,401	13,416	12,355	9,517	9,016	8,286	7,827	7,159	6,888
Average Wage in Metropolitan Toronto*	12,650	11,902	10,753	N/A	8,702	8,165	7,558	6,973	6,461

*Based on average weekly earnings unadjusted for seasonal variation, industrial composite for urban areas.

appears unlikely. The salary increase has also created appropriate changes in the staffing standards for correctional officers. The new standards, e.g., a minimum of Grade XII education, may alleviate some of the problems associated with existing educational levels in the correctional officer group.

The purpose of this survey has been to provide basic information about correctional officers at the Toronto Jail. As a result of identifying certain basic issues within this group, several suggestions have been put forth. However, a survey of this type is inherently limited in scope and therefore the suggestions have been necessarily brief. Perhaps a more subjective, interview-based survey could better describe the pressures, responsibilities, and expectations which make the correctional officer experience at the Toronto Jail unique.

[The report included several tables, including one comparing the salary for a correctional officer, grade 2, at maximum with salary levels in various related positions, in the period from 1969 to 1974. An updated version of that table is printed on page 63.]

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Superintendent, Toronto Jail

July 3, 1974, to May 23, 1977

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The following is an attempt to describe the general operation of the Toronto Jail with emphasis on local programming, the role and function of the correctional staff, staff training and development, administrative procedures and practices, and the difficulties faced by staff during the performance of their duties. This is not an easy task in view of the diversity and complexity of the factors that interrelate to produce the difficult and stressful milieu within which staff at all levels must function and which complicate any efforts to operate an effective rehabilitative program for the inmates.

There is no question in my mind that the staff of the Toronto Jail must carry out their day-to-day responsibilities under extremely difficult and trying circumstances. Picture, if you will, a major institution, a large part of which was constructed in a by-gone era and is functionally unsuitable for the effective operation of a contemporary correctional program. Place in that institution an inmate population that is the largest in the province and whose activities span the whole spectrum of criminal behaviour from petty theft to murder. Add to this the fact that the institution serves a metropolitan area of over two million people, and functions primarily as a holding unit with the result that the average length of stay is short and there is a large daily turnover of inmates (as many as 200 or more admissions, transfers, and discharges per day). Complicate the picture with the fact that the institution is classified as a maximum security setting and the majority of inmates must be treated as potential security risks because they are unknown quantities insofar as their attitudes, behaviour, and emotional stability are concerned, and you have some idea of the monumental task that faces the staff of the Toronto Jail in their efforts to meet the needs of those who have

been placed in their care.

The picture would not be complete, however, without a summary of some of the needs that the staff are expected to meet. For example, the staff must be concerned about the safety and security of the inmates (as well as staff); they must deal with the inmates' physical needs for food, clothing, and medical care; they must assist the inmates with their personal affairs when dealing with families, lawyers and the courts; they must ensure that the inmates' rights are protected and that they are transferred or released on time; they must attempt to meet the inmates' needs for recreation and spiritual support and, finally, in addition to all of the foregoing, the staff are asked to relate to the inmates in a meaningful and positive manner with the goal of modifying the inmates' anti-social attitudes and behaviour in order that they might make a satisfactory adjustment in the community when they are released. This is a rather tall order and one which is next to impossible under the present circumstances.

The foregoing is a general overview of the situation as it presently exists at the Toronto Jail and the reader should keep this picture in mind when he is considering the points contained in the following detailed description of the operation of the jail.

THE ROLE AND FUNCTION OF CORRECTIONAL STAFF

(A) Inmate and Institutional Security

As indicated previously, the Toronto Jail functions primarily as a holding unit although it does have the secondary responsibility of housing a certain number of inmates who are serving short sentences. Because it is a holding unit it is faced with the responsibility of dealing with an extremely diverse and sometimes dangerous population. Inmates are held pending court appearances, transfer to other correctional settings, reclassification from one setting to another, for security purposes, etc. Their charges range from public drunkenness or petty theft to murder, grand larceny, etc. Some are being held pending immigration hearings, others are merely being held overnight (since the jail acts as a police lock-up on weekends) until a magistrate can deal with them in the morning. All are to some extent unknown quantities and, therefore, potential security risks. Consequently, it is not surprising that the jail is classified as a maximum security setting with the result that all regulations and standing orders are based on this classification. As a result, one of the principal responsibilities of a correctional officer is to ensure the safety and security of the inmates and the staff. This is a difficult and time-consuming task and one which for obvious reasons cannot be treated lightly. In fact, a recent study conducted by the research branch of the Ministry revealed that correctional staff rated inmate security as the single most time-consuming aspect of their job. The correctional officer must

constantly be on the alert for trouble. He must do everything in his power to prevent disturbances, attempted escapes, assaults by inmates on staff or other inmates, potential suicides, destruction of property, and the smuggling of drugs or other contraband into the institution.

The difficulty of ensuring inmate and institutional security is considerably increased by the antiquated design of the old section of the jail. Adequate supervision of inmates requires a functional facility which will permit perimeter observation of inmates while they are on the corridors and in their cells. Unfortunately, the design of the corridors in the old building makes perimeter observation impossible as they are elongated away from the officers' post. This limits the officers in their interaction with and observation of any inmates who may need it since no officer can enter the corridor unless given coverage by another officer.

Safety and security would also be improved if inmates could be housed in smaller units and segregated according to the seriousness and type of their offence as well as on the basis of other criteria such as emotional stability, security risks, protective custody, etc. Unfortunately the design of the jail does not permit this type of segregation of inmates although attempts are made to house security risks in the new building and to designate certain areas in the old building for older inmates, medical cases, protective custody, etc. These attempts at segregation are often thwarted by other factors, however. For example, an inmate who has been charged with a serious moral offence should be housed in the new building. In many cases, however, inmates of this type arouse antagonism from other inmates and must be placed in the old building for protective reasons. In cases such as this the prime concern becomes one of protecting the safety of the inmate at the risk of increasing his danger as a security risk (as can be attested to by a recent escape from the old building).

The difficulties created by the poor design of the physical plant are further compounded by the existence of an "inmate code and subculture" within each unit. Every unit has its share of "manipulators" and "wheels" who attempt to control or manipulate other inmates for their own purposes through the use of fear tactics, etc. These manipulators attempt to monopolize the time and attention of the officers with the result that quieter inmates may not receive the attention they require. Unfortunately, the quiet inmate may be the one who is depressed and/or suicidal and, therefore, in much greater need of attention than the highly vocal "wheels" or "manipulators". Given the proper circumstances most correctional officers could pinpoint these quiet inmates and their problems, but the situation is such that 90% of the officers' time is taken up in dealing with 20% of the population (i.e., mainly the "wheels" or "manipulators"). This problem is one which is faced by all staff, not just the correctional officers. The doctors are constantly faced with having to deal with malingerers wanting pills, etc., and the Superintendent's "morning parade" usually contains many of the same inmates who have been to see him numerous times before.

The ability of the "wheels" to control the behaviour of other inmates can present serious security problems as was recently evidenced when an inmate was to come out of a corridor for investigation of an assault charge but

refused and was supported by the rest of the inmates on the corridor because he was considered to be a "wheel". Subsequent questioning of the other inmates revealed that many of them did not want to become involved in this incident but did so because of the fear of reprisals.

Attempts are made to break up these power groups by moving the "wheels" from one corridor to another before their influence becomes too great with any one group of inmates. This is difficult to accomplish, however, because of the high count which limits the flexibility of the staff and makes it more difficult to identify the "wheels" at an early stage.

With a large population it is imperative to have a good communications network in order to ensure the safety and security of the institution. Such a network is difficult to maintain in the Toronto Jail because of the high turnover of inmates. When a person is admitted, important information such as length of sentence, alerts on possible suicides, escape risks, sign of mental instability, etc., must be communicated to many different areas of the jail. Information concerning transfers, releases, court appearances, etc., must also be communicated and when one views this in the light of the fact that there may be as many as 200 admissions, transfers, discharges, etc., per day, it is not surprising that the logistics involved are immense. Small wonder, then, that the more refined communications network that can be developed in an institution with a more static population is not possible in the Toronto Jail.

Concern for security coupled with the unknown disposition of many inmates makes it imperative that all inmates must have escorts when they are moving from one area of the jail to another. This takes up considerable staff time and drains staff resources from critical areas such as the corridors. This is only another of the many reasons why staff have so little time available to relate to, and work with, inmates on a closer, more personal basis. Further, the risk of attack and the lack of knowledge of the particular background of each inmate leaves the correctional officer with no choice but to be constantly on guard. In a situation like this, it is not easy for the officer to be concerned with an inmate's personal problems even when it can be shown that they are genuine.

From the foregoing discussion it should be obvious that the responsibility for inmate safety and security represents a monumental and time-consuming task for the staff of the jail. Unfortunately, the consequences of failing to adequately carry out this responsibility can be serious, with the result that staff have no alternative but to consider this aspect of their duties as being of paramount importance. This often leads to accusations that staff are cold, rigid, suspicious people who are completely preoccupied with custodial matters, and who are not interested in the personal problems of the inmates. Such accusations are grossly unfair. In a less secure setting, with a more static population, an officer is free to devote more time to dealing with the inmates' problems. When staff from the Toronto Jail are placed in such settings they exhibit considerable interest and concern for the inmates in their care. The nature of the setting and the expectations placed on staff at the jail make it impossible for them to exhibit the same level of concern for inmates in that setting. I do not mean to suggest that staff at the jail do not

spend considerable time dealing with inmates' personal matters. On the contrary, the second most time-consuming role of the correctional officer is counselling and inmate care as described below.

(B) Counselling and Inmate Care

The responsibility for counselling and inmate care covers a wide range of activities and, once again, is complicated by such factors as inadequate physical facilities, staff shortages, the high turnover rate, the need for security, communications problems, and the excessive (and often manipulative) demands of the inmates.

At the outset, staff must deal with the inmates' physical needs for food, clothing, shelter, physical recreation and exercise, personal hygiene, and medical care. Once these basic needs are met, staff must then go on to deal with a multitude of requests from inmates for telephone calls; visits with family, friends, lawyers, clergy, etc.; magazines; newspapers; letters; tobacco; and personal interviews with senior administrative staff as well as professional staff. Correctional officers also spend a considerable amount of time answering a bewildering array of questions from the inmates. Considerable energy is expended by staff in their efforts to reassure and calm people who are worried about what will happen to them when they appear in court or to expedite matters when an inmate is anxious and upset while waiting for a phone call or for a visit from his lawyer. Finally, staff must protect the inmates' rights and ensure that they are sent to court, and/or released, at the appropriate time.

Many problems are encountered by staff in their attempts to provide for inmate care and counselling. The large count and rapid turnover make the task of providing food, clothing, and medical care an onerous one. In order to feed a population of 800 or more inmates each day, the kitchens must prepare as many as 2,400 meals per day. In addition, the process of feeding the inmates is complicated by the fact that there is no central dining facility and two-thirds of the meals must be carried from the kitchen, which is located in the new building, to the bulk of the inmate population which is housed in the old building. The process is also complicated by the fact that, due to the continuing influx of new admissions, the dinner and supper hours must be extended over periods of up to three hours each.

Clothing is another problem, since every new admission must be provided with the necessary clothing and have his personal property recorded and stored. In addition, regular changes of clothing must be provided during the inmate's residence in the jail and he must be clothed in his own personal clothing whenever he is scheduled to appear in court.

Ensuring adequate personal hygiene is also a problem in view of the fact that there are no shower facilities in the corridors (old building). The shower area is located elsewhere in the building with the result that showers can only be taken at specified times and days of the week. This is further complicated by the fact that showers must be scheduled along with visiting and recreation periods as the same correctional officers are used to escort

the inmates to these different activities.

Staff are inundated with requests (both written and verbal) from the inmates during the course of the day. Request forms are used to respond to many of these requests and, although some can be dealt with by means of a written response, the majority of requests require a personal interview with the inmate. Some requests can be dealt with on the spot by the officer on the corridor while others such as requests for phone calls, interviews with senior staff, etc., must be referred to senior personnel.

Handling requests in a fair and consistent manner is complicated by the difficulties encountered by staff in their efforts to maintain adequate communication between the various staff, at all levels, who must respond to these requests. Many of these difficulties are caused by time pressures and the sheer volume of requests. Often when a request is referred to other staff the referring officer does not know what the response to the request has been. Some inmates will attempt to manipulate this situation to their own advantage by claiming that some other staff member or the Superintendent has granted a particular request. If the officer is in doubt as to the accuracy of the inmate's claims he must spend valuable time checking the matter out. Inmates will play one staff member against another and in some cases will continue to make the same request of different staff members until they get what they want. Guarding against this type of manipulation is difficult in a complicated setting such as the Toronto Jail. The pressure of work often causes delays in responding to inmate requests. For example, requests for telephone calls are referred to the shift supervisor. Such a request may be very important in the eyes of the inmate. He may be worried about bail, his wife, etc., and he doesn't want to wait until the next day to make the call. The shift supervisor must make the call, but often gets no answer or a wrong number. Sometimes the pressure of work prevents him from getting back to the call, or the party on the other end refuses to accept a collect call. In the meantime hours may pass and the officer on the corridor is being deluged with questions. If the inmate doesn't like the answer, he may accuse the officer of not passing on the request, or the supervisor of not following through. Thus legitimate delays caused by the pressures of work and other reasons can create suspicion and tension between the inmates and staff, all of which contributes towards a negative atmosphere on the corridor.

Arranging visits for inmates with family, friends, lawyers, and clergy represents another headache for staff. Each inmate is allowed two visits per week (excluding visits from lawyers and clergy). Assuming that every inmate requests two visits and the daily count averages approximately 800 persons, one might expect that staff would be required to arrange 1,600 visits per week. In reality, since the inmate population is not static and there is a large turnover each day, the number of persons housed in the jail in any one week who are eligible for visits far exceeds 800. Consequently, staff are often faced with the possibility of having to arrange in excess of 2,000 visits per week. The logistics involved in arranging such a large number of visits (given the need to maintain adequate security and supervision) are difficult enough without the added complication that the visiting facilities

consist of a small waiting area measuring 16 feet by 30 feet with three small adjacent rooms containing 17 visiting booths for use by the male inmate population. In addition, the waiting area is also used by people wanting to see the Superintendent, personnel officer, bail magistrate, or property officer.

Given the situation as described above, it is not surprising that problems arise when visitors arrive and are faced with long delays before they can see a particular inmate and then are faced with the prospect of the visit being limited to a 10-minute period. Inmates view the problem from a personal point of view and are not sympathetic to the problems faced by staff in their attempts to accommodate everyone. The result is another source of increased tension and bitterness which is often carried back to the corridor and may contribute to trouble at a later date.

(C) Administrative Duties

Administrative duties represent the third most time-consuming aspect of the correctional officer's job. The program at the Toronto Jail generates a massive amount of paper work and it is the correctional staff who bear the major burden of maintaining the various logs and records as well as processing the intake, transfer, and discharge documents.

The discharge procedure itself is a complicated affair and commences the day before, when discharge lists are completed, various departments notified, medicals performed where necessary, clothing changed, personal property readied, and inmates placed in the appropriate corridor. Similar procedures are required to process new admissions and occur simultaneously with the discharge procedures. Therefore, when these procedures are assessed in light of the daily volume of intake and discharges (200 or more per day), it is not difficult to visualize the size of the administrative workload. (The reader is referred to the Haskins, Sells report with its attached diagram for a more detailed description of the actual volume of paper work generated by the intake and discharge procedures.) [This refers to "A Study of Administrative Clerical Procedure at the Toronto Jail", dated August 1974, compiled by Haskins and Sells Associates, management consultants, for the Ministry.]

Processing inmate requests also generates further administrative burdens for correctional staff. The use of request forms has already been described in the previous section but, in addition to this procedure, staff are also responsible for issuing paper for letters and screening incoming and outgoing mail. This latter process includes the examination of letters and envelopes for any evidence of drugs which, for example, can be hidden under the postage stamps or implanted in the glue on the flap of the envelope. Time is also spent in distributing and taking orders from the inmates for magazines and other sundries as well as checking the inmates' personal property in order to ensure that the necessary funds are available to pay for these items.

These are a few of the major administrative responsibilities facing the staff of the Toronto Jail. There are others including arranging visits, program planning, etc., some of which have been mentioned previously.

(D) Supervision and Training of New Staff

The Shift Supervisor and Assistant Shift Supervisor have traditionally been responsible for the provision of supervision, guidance, support, and training of line staff. In recent years, however, their administrative responsibilities (i.e., computing fines, answering phone calls, dealing with inmate requests, etc.) have increased to the point where there is little time left for the former activities. Consequently, the responsibility for providing on-the-job training to new staff has increasingly been placed on the already overburdened shoulders of experienced line staff. This is a poor arrangement, as the line staff by virtue of their other responsibilities (as outlined previously) have little time to devote to the training and orientation of new staff. Of necessity much of the training must be by example rather than through specific counselling and/or discussions. The problem is also compounded by the large turnover of staff, as will be further exemplified in the following section.

(E) Staff Shortages

In addition to a chronic shortage of correctional staff, during the past year there have been staff shortages in many other areas of the Toronto Jail including the records office, medical area, classification office, psychiatric services, and the kitchen. These shortages create additional stress for the remaining staff, particularly correctional officers, who are often called upon to cover for staff shortages in the kitchen, stores, and classification office.

The magnitude of this problem is exemplified by the fact that during a six-month period in 1974, 35 new correctional officers were hired in an attempt to bring the complement of officers up to full strength. Unfortunately during the same period 36 officers resigned with the net result that the staff shortage increased rather than decreased.

The general ramifications of this chronic shortage and the high turnover rate are great. New staff must receive at least a minimum of training and orientation and they cannot be left alone to assume full responsibility for the supervision of a corridor or a living unit. On the contrary, during this orientation period they must work with other experienced staff. Consequently, for this period, they do not represent additional manpower which can be used to reduce the work-load of the regular staff and, since the turnover rate is so high, there are always as many as a dozen or more men who would fall into this category. On occasion, during a crisis period, new staff have been assigned to full duties before the orientation period was completed. This can be a dangerous practice not only from the viewpoint of

the safety of the man himself but also from the viewpoint of the safety and security of the institution.

In the past year or so the chronic shortage of staff has at times reached near-crisis proportions. At full strength the number of staff would only allow sufficient coverage for specific custodial posts such as corridors, visiting, admitting, shower activities, etc. With a shortage of staff the situation becomes even more critical and the officers are hard-pressed to keep the program moving let alone find time to relate on an individual basis with the inmates.

RECREATIONAL PROGRAMMING

Recreational programs at the Toronto Jail are severely restricted by the lack of adequate physical facilities and the shortage of staff. Leisure activities on the corridors are limited to reading, playing cards, and watching television. There is simply no room for any other type of recreational activities.

With the exception of the exercise yard, the only area in the jail that can be used for recreational programs is the chapel in the old building. Unfortunately, this room can only accommodate 20 or 30 inmates, with the result that the vast majority of inmates are idle most of the time.

In other correctional centres much of the inmates' time during the day is spent on work assignments. At the Toronto Jail there is little opportunity for inmates to do any work other than in the kitchen or with the maintenance crews.

Lack of programming is a serious problem since it leads to boredom on the part of the inmates and increased tension throughout the institution. Staff feel pressured and the stage is set for confrontation rather than interaction between staff and inmates.

There are areas of the jail that could be renovated in order to provide more recreational space but this could only be accomplished at the expense of cellular accommodation. Such a move would be untenable at the present time because of the continued high counts and overcrowded conditions.

RECENT CHANGES IN THE TORONTO JAIL

Staff Training and Development

Over the past year a number of changes and innovations have taken place in the staff training and development program for officers at the Toronto Jail. The old Ministry correspondence course was abolished and a staff training officer was appointed with the responsibility for planning and im-

plementing a staff training program. A staff training facility for the Toronto Jail was established in the former Deputy Superintendent's house.

Following the appointment of a staff training officer, a comprehensive program was drawn up and has now been implemented. The content of this course can be divided into five broad areas, as follows:

1. On-the-job Training

On-the-job training for new officers takes place throughout the officer's probationary year. Special attention, however, is paid to this aspect of the officer's training during the first few weeks after he commences his employment with the institution.

2. Orientation Courses

When a new staff member has completed several weeks of on-the-job training, he is then given a two-week orientation course. This course is designed to provide the officer with information concerning the structure of the Ministry, the statement of purpose, Standing Orders for the Toronto Jail, Legal Aid procedures, the duties of a correctional officer, public relations, first aid, interpersonal relationships, the Temporary Absence Program, the proper use of physical restraints, the use of restraining equipment, misconduct reports, classification, work probation and parole, and the general conditions of his employment. The orientation course does not pretend to provide an in-depth review of these many topics. Time restraints do not permit such an in-depth program to be carried out. However, it is felt that the content of the orientation course is sufficiently detailed to provide the officer with a broad overview of the work of the Ministry as well as the responsibilities that he will be expected to assume as a correctional officer.

As a follow-up to this orientation course, towards the end of their probationary year new staff will be sent to the staff training college in order to participate in the three-week staff training course. It is expected that this course will cover the aforementioned topics in greater depth than the original orientation course.

3. Upgrading Courses

In order to ensure that all officers are kept up-to-date with changes in Ministry programs, policies and practices, it is anticipated that all staff will be exposed to refresher or upgrading courses once every two or three years. These courses would be of two to three days' duration, and would attempt to provide the officers with information concerning new trends in the field of corrections in addition to more specific information concerning changes in the Ministry's programs, etc.

4. *Special Courses*

Whenever appropriate, staff will be expected to participate in special courses dealing with specific aspects of their jobs which might not otherwise be covered in the more general staff training courses. For example, to date, three special courses have been conducted.

- (a) A demonstration of the use of all emergency resuscitation equipment in the institution, including instructions as to the location of the equipment and the persons designated to operate such equipment.
- (b) A three-week course for new unit supervisors, to assist them in the development of their new role.
- (c) 75 men as of November 15, 1975, had been given the course in the use of riot equipment.

5. *Staff Exchanges*

To date several staff exchange programs have been operated where staff of the Toronto Jail exchange places with staff from the Vanier Centre for Women, the Brampton Adult Training Centre and the Ontario Correctional Institute. The exchange took place over a three-week period and was aimed at providing staff from these various institutions with some insight into the nature of programs in institutions other than their own. It was hoped that, if staff had a better understanding of the programs in other institutions, they would be in a better position to answer questions and alleviate the anxiety of inmates who are in the process of being transferred from the jail to one of these institutions. It was also expected that these exchange programs would broaden the experience of the staff and provide them with some incentive to apply for promotions in other institutions.

ADMINISTRATIVE STRUCTURE, PROCEDURES AND PRACTICES

As one attempt to deal with the many problems described in the previous sections of this report, a number of significant changes were made in the administrative structure and procedures of the institution.

It was felt that there should be a greater delegation of authority and responsibility to senior staff, and that specific administrators should be held responsible for particular facets of the program. To this end, two new Deputy Superintendents were appointed, one with specific responsibility for security and the other for programming.

DEPUTY SUPERINTENDENT (SECURITY AND SERVICES)

The Deputy Superintendent (Security and Services) is responsible for the supervision of all correctional, maintenance, and service personnel. His prime concern is to ensure that adequate safety and security are maintained throughout the institution and that the physical plant and equipment are kept in good repair. This is the person who must deal with the logistics of feeding, clothing and caring for the inmates' physical needs and cope with the problems that arise in these areas (many of which have been described in previous sections of this report).

The creation of this position enabled the administration of the jail to provide greater support to correctional staff at all levels. The Deputy Superintendent is able to relate to correctional staff on a closer, more personal basis, and to establish better communications between the various levels of staff. As a result, he is in a better position to pinpoint the weak officers who require more training and support (or perhaps those whose employment should be terminated), as well as provide recognition to officers whose performance is above average. The overall result should be an improvement in the morale of the correctional staff and a reduction in tension throughout the institution.

DEPUTY SUPERINTENDENT (PROGRAMS)

The Deputy Superintendent (Programs) is responsible for the supervision of all professional staff within the institution (e.g., the librarian, classification officers, psychologist, social workers, etc.). The prime concerns of this man are to develop programs which will make the maximum use of the limited facilities of the jail and to co-ordinate community involvement in the jail activities. This latter responsibility requires that he act as a liaison person between the jail administration and community agencies such as the Addiction Research Foundation, Manpower, John Howard Society, Elizabeth Fry Society, and others. At the present time he is meeting with various organizations in an endeavour to develop programs which can be started at the institution and continued in the community after the inmate is released.

COMMUNICATIONS PROCEDURES

In order to ensure adequate communication between all levels of staff, a number of meetings are held on a regular basis during which problems can

be identified, solutions sought, and feedback obtained concerning administrative decisions, etc.

A senior management meeting is held once a week and brings together the Superintendent, Deputy and Assistant Superintendents, office manager, senior matron, and all department heads. This group deals with major policy and program issues.

A health services committee meets once a month and involves all professional staff including the Chief Medical Officer and Head Nurse, the Superintendent and the Deputy Superintendent. This group discusses problems pertaining to health services in the institution.

The Superintendent also meets on a weekly basis with local representatives from the Civil Service Association of Ontario. This is an informal meeting where the association can raise staff concerns about working conditions, etc.

In addition to the aforementioned meetings, weekly meetings of senior officers are held in order to discuss any problems that may have been encountered during the day-to-day operation of the jail and obtain feedback with regard to the problems of the line staff.

General staff meetings are also held on a monthly basis.

Weekly meetings between the Superintendent and a cross-section group of correctional officers and other staff provide a forum for staff to express their concerns and frustrations in a more informal atmosphere.

Department heads also hold regular meetings with their staff, i.e., programming department, kitchen, and the records office. . . .

STAFF COMPLEMENT INCREASES

The C.O. 1 and C.O. 2 complement has been increased during the past year, and at the time of writing the complement was 162.

To offset additional work-load, the shift and assistant shift supervisor complement was increased and at the time of writing stood at:

- 9 Shift Supervisors (C.O. 5s) – previously 5
- 6 Assistant Shift Supervisors (C.O. 4s) – previously 5
- 1 Admitting Officer (C.O. 4) – new position
- 1 Security Officer (C.O. 5) – new position

This allows sufficient complement for assignment of one Shift Supervisor per shift to the old and new buildings, plus an Assistant Shift Supervisor on the 7 to 3 and 3 to 11 shifts.

Other staff additions have been three additional records clerks, one cook, one storekeeper, one doctor, two classification officers, one part-time volunteer program co-ordinator.

COMMUNICATION IMPROVEMENTS

- (a) More meetings as previously stated.
- (b) Pneumatic system. This allows for the rapid transport of inmate docu-

ments between the admitting and discharge areas to the records office and vice versa.

- (c) Telautographic system. This gives instant written message transmittal between the records office, admitting area, medical area, front desk (new building) and front desk (old building).
- (d) Portable walkie-talkies. This allows quick verbal communication between Shift Supervisor, officers on patrol, outside hospitals, officers assigned as runners re visiting and during serving of meals between kitchen and the Shift Supervisors.
- (e) Programmed fine calculation machine. This allows for quick calculation of fines, especially where an individual has a multiplicity of same.
- (f) Xerox copier with sorter. This allows sorting of xerox copies and cuts down on manpower needs, e.g., preparing the quarterly assizes list is reduced by up to 12 hours.
- (g) Standing orders. These are being finalized and will be issued to all staff.

VISITING AREA IMPROVEMENTS

Fourteen additional visiting booths are being constructed to serve the old building. This will give us 18 booths instead of the present four in the old building and a total of 32 in both buildings. This is being done with no loss of cellular accommodation.

OVERCROWDING

We have begun to transfer all intermittents to Mimico Correctional Centre and hope that within the next few months all intermittents will be reporting there. [In 1977, two new detention centres, Metropolitan East and Metropolitan West, were opened in Toronto.]

LONG-TERM AND SHORT-TERM RECOMMENDATIONS AND COMMENTS

When you view the diversity and complexity of the factors that interrelate to produce the difficult and stressful milieu, three stand out as the main problems. Poor functional facilities, high count, and large volume of intake and discharge are the main factors that together produce some of the other problems, i.e., poor communication, and preclude instant remedy of a poor situation.

As indicated, many steps have been taken to moderate the pressures on

staff and inmates and more are needed, but until the three major problems are resolved this stressful milieu will remain.

SHORT-TERM RECOMMENDATIONS

1. Additional staff complement as follows:
 - (a) At least 38 more correctional officers.
 - (b) 6 additional nurses.
 - (c) 2 additional cooks or kitchen helpers.
 - (d) 3 additional secretaries.
 - (e) 3 additional maintenance staff.
 This would serve a three-fold purpose:
 - (a) Give the staff a breather and make working conditions a little more tolerable in all departments.
 - (b) Give a better training of staff for the Regional Detention Centre.
 - (c) Allow for more training seminars, meetings, etc. Reduce the number of Office Overload and casual workers as the time taken to train these people is extensive and because of the constant turnover (especially in the records office) it is a never-ending process of training.
2. Establish a psychiatric facility outside the jail to handle the court referrals.
3. Restrict the intake of inmates from the courts to the hours between 8:00 a.m. and 6:00 p.m.

LONG-TERM RECOMMENDATIONS

As you know, there are two Regional Detention Centres now under construction [opened in 1977] which will hold a total inmate population of 400. If our present count remains the same or rises, this will leave us with approximately 400 to 500 inmates which is 200 to 250 more than the new part of the jail can hold.

I would recommend, if possible, that the whole of the Toronto Jail be torn down and that two additional Regional Detention Centres be built, giving us a total of four Regional Detention Centres in Metropolitan Toronto.

If this is not possible, I would recommend that one more Regional Detention Centre be built and that the present new section of the Toronto Jail be completely renovated. I understand from information received from the Ministry of Correctional Services, Head Office, that another Regional Detention Centre is under consideration and also renovations to the present new section of the Toronto Jail are being considered.

J. F. Whiteley

*Assistant Superintendent, Toronto Jail
(February 1975 to May 1977)*

(Received December 17, 1975)

In the operation of the Toronto Jail three factors interact: the physical setting, staff members, and the inmate population.

The physical setting can be divided into the old and new buildings. In each there is little room that can be allocated for inmate programs. The only areas available are two exercise yards and a chapel. Even the use of these is limited by lack of other facilities. For example, during the summer months exercise periods were extended, balls provided, and inmates encouraged to play off their frustrations. Unfortunately, inmates in the old building had then to bathe in the one sink in each corridor due to the lack of showers.

The old building is antiquated, staff and inmates fight a constant battle against lice, vermin and dirt. A painting program which was suggested by and carried out by inmates aids in this. The standard of cleanliness attained in the old building attests to the co-operation between staff and inmate which can be achieved when a common goal is set.

Some cells are so small that there is only room for a bed and a toilet bucket. Larger cells are overcrowded with four inmates. Corridor space outside cells is also far from adequate, leading to irritation and fights.

The old building is badly designed for security and supervision. Television and radio sets put in the corridors to relieve boredom add to the noise level in the whole building because of its open plan.

The new building is less overcrowded and has better security facilities but supervision is limited by a shortage of correctional officers.

The demands placed on the officers in this environment are many and varied. During the day there is an almost constant movement of inmates.

Inmates being sent to and returning from court, visits from relatives, interviews with lawyers, classification officers, the Superintendent, and medical staff. The receipt and despatch of mail, processing inmate written requests, exercise periods, and meal parades. All these activities require supervision by an officer.

In addition to this, the officer is responsible for the cleanliness and security of his area. While performing these duties, there are many verbal requests from inmates for information and services. He also must bear the brunt of frustration and ill-temper from inmates, some of whom have a questionable mental state.

In spite of this, the morale of the officers is good. They are anxious to learn new techniques to do a better job and sometimes demonstrate understanding, patience, and courage in a very frustrating environment.

There are sufficient supervisory staff but the complement allowed for line officers is 162. Unfortunately, because of resignations, retirements, promotions and transfers, this is never filled. Thirty-two officers are on back-up services such as admitting, search, showers, clothing room, laundry, property office, mail, and key security positions.

This allows 130 officers for direct contact with inmates. On any given day one-third, i.e., 43, are on days off, leaving 87 to cover a 24-hour period. The following is the minimum requirement for each shift:

0700 - 1500 hours	- 42
1500 - 2300 hours	- 32
2300 - 0700 hours	- 18
Total	<u>92</u>

Even at full strength there are five men short but attrition and sickness usually increase the shortage to 10 or more. In addition to this, other demands are placed on this number.

- (a) Hospital escorts, which includes inmates visiting hospitals and those admitted. Usually three officers per shift are required but the number has gone as high as 11 officers out of the jail at one time.
- (b) Escorts for internal programs.
- (c) Staff training.

All these needs are met by reducing supervision of inmates when absolutely necessary, using overtime, and employing casual officers.

The average inmate at the Toronto Jail is as co-operative and well-behaved as can be expected. However, each inmate has to be given a place to sleep, fed three times a day, clothed, bathed, exercised, allowed visits, interviews with his lawyer, and is dependent on staff for almost every need. Every additional inmate places an added burden on the facilities available which makes processing slower.

To compensate for this, inmates sometimes try to put their requests to as many staff members as possible. There is also the inmate who makes requests purely to relieve boredom and receive attention. Because of this it is sometimes difficult to determine genuine requests with the result that the inmate can get a feeling of being "sloughed off" by staff members.

The inmate is also subjected to his own sub-culture. The greater the staff

involvement with inmates, the weaker this sub-culture becomes. Unfortunately, the day-to-day demands on staff reduce this involvement. To reduce violence among inmates, action is taken to segregate the obvious behaviour problems and to put into protective custody inmates who are potential victims.

The inmate suffers from a lack of space and exercise and boredom. Added to this is a sometimes slow judiciary process and transfer after sentencing. Hostility against the system builds and the only representative present to vent this hostility on is the line guard.

It is appreciated that building programs have already been undertaken which will eventually solve many of the problems. Additions to staff have been made and measures taken to reduce the inmate count. However, I consider certain measures should be taken immediately.

If the line officers were increased to 200, each area of the jail could have a team of officers responsible for the needs of the inmates in that area. A comprehensive training program could be undertaken to improve the competence of each officer without depleting the number available for security, supervision, and counselling.

Regional Detention Centres are being constructed in the east and west of Toronto. These 200 officers at the Toronto Jail could be a pool from which these two centres could draw trained, competent staff. Not only would present needs be met but future requirements anticipated.

Gerald Whitehead

Superintendent, Toronto Jail

(January 1965 to July 1974)

ATTITUDE AND BEHAVIOUR OF INMATES

1. Cannot conform to accepted standards of conduct when in society.
2. Incarceration reinforces this unacceptable standard of conduct by being a challenge to a certain group of inmates, who feel they must challenge the system, and assert their "manhood", etc.
3. Some inmates are seriously socially maladjusted and have severe psychiatric problems.
4. Some have had serious confrontation with the police and because of this, when admitted to the jail, this anger will spill over and they will vent their "spleen" on the correctional officer.
5. Inmates generally have a tendency to more violent and aggressive behaviour today. This has come about with the advent of the drug scene and a more permissive society. Additionally, there are more avenues for complaint, i.e., Legal Aid, Ombudsman, letters to Members of Parliament, etc. Activist community groups, particularly with leftist leanings, and a larger population of black people, have posed questions of racism.

ATTITUDES OF CORRECTIONAL OFFICERS

1. They recognize that they are generally dealing with the most dangerous and corrupt members of society.

2. They feel that all the cards are "loaded against them", they are the target for any group who feel they have some cause for complaint. Their conduct is expected to be 100% exemplary under all conditions in that dealing with violent and disruptive inmates, their use of force is characterized as violent and questionable under any circumstances.
3. They know that any inmate can be well behaved in front of people who can probably assist him in not suffering too harshly the consequences of his illegal and criminal acts over a relatively short period of time, i.e., judges, lawyers, psychologists, social workers, members of Parliament, etc. However, the correctional officer has to deal with the inmate 24 hours a day and 365 days a year, and they have to deal with the inmate's whole range of behaviour.

SUMMARY

Over the past 30 years, the correctional field has been operated by citizens who were the product of a childhood in the 1920s and 1930s, whose adulthood was spent in 5½ years of war. During this period, they were conditioned to discipline – which they considered to be fair and just – to a standard of a solid work ethic, and what, in their opinion, was a reasonable and comfortable way of life, which did not infringe on the rights of others.

Having been through the depression years and the furnace of war, they understandably did not wish their children to be subject to these privations and raised them in a more permissive and comfortable manner, at the same time endeavouring to impose their own values on their children.

The children, however, could not recognize or understand these in the same manner as their parents because their values were not forged in the same furnace.

With the advent of the promiscuous use of drugs, free sexual expression, and virtually a complete freedom to protest anything in any manner, the gap between the generations increased. Guns and knives are being used more indiscriminately now in peacetime than they were during the war – except in battle. These reasons are, I feel, basically the cause of violence between inmates and correctional officers.

No longer do we have correctional staff entering the system who have been trained in man management from the forces and who accepted a reasonable form of discipline. In any case, the younger generation is refusing to accept this. It is unfortunate in that, if the staff do not control the jail, the weaker inmates suffer, and suffer severely, even to the risk of death.

RECOMMENDATIONS

There are no easy solutions to the problem, but the areas I feel should be considered are:

1. No institution (jail) that will hold more than 200 inmates.
 2. The institution should be so constructed that areas could be sealed off in small units in the event of rebellion by part or all of the inmate population.
 3. A far speedier process of justice through the courts. The justice system generally comprises the police and the courts and correctional services.
 - (a) The police provide a 24-hour service – 365 days a year.
 - (b) The courts supply, in general, an 8-hour, 5-day service.
 - (c) The correctional services supply a 24-hour service – 365 days a year.
- Therefore, the system is like an hour-glass – pinched in the middle and bulging at both ends. Frustration to all parties.

STAFF TRAINING

1. Prospective correctional officers should be psychologically tested prior to being hired.
 2. The training should be more sophisticated and similar to police standards.
 3. Training should be conducted by officers with wide field experience in the correctional operational side in matters of:
 - (a) security, and
 - (b) inmate control and discipline.
 4. The training course should include a comprehensive section dealing with:
 - (a) stress on the correctional officer and his family as a result of his job, and
 - (b) a full range of the psychological problems that inmates exhibit.
 5. Their responsibilities under the law and how to give evidence.
 6. Comprehensive training in the writing of written reports.
 7. Flexibility should be built into staff complement in all institutions to allow continuous upgrading and refresher courses for all staff. This will assist in relieving stress and at the same time keep staff performance at a high level.
- I have tried not to be too lengthy in this submission as there are so many varied and difficult problems in the correctional field.
- The proposals will not stop the outbreaks of violence, but may help to reduce the incidence and make the correctional officer more professional in his approach and performance.

Paul J. Mulhern

Deputy Superintendent, Toronto Jail

A submission respecting the *advantages of smaller Institutions*.

I hope the following comments will lend themselves to the issues currently being investigated.

Manageable numbers of inmates, as would be evidenced in a smaller institution, would in fact:

- establish between correctional officers and inmates active and effective relations that would in turn encourage the inmates in programs of self-improvement, self-understanding, and self-respect;
- increase staff/inmate contact on a more personal basis and provide constant monitoring of inmate personalities;
- increase the opportunities for individual assessment of inmates by correctional officers;
- provide a better understanding of treatment programs among staff and inmates and produce continuity of purpose among all staff;
- allow correctional officers increased participation in various motivational programs;
- measurably reduce the tension generated by overcrowded conditions;
- behavioural problems more readily identified;
- easier identification of staff strengths and weaknesses;
- a more orderly reporting and correcting of safety and fire hazards together with a maintenance upgrading of housekeeping standards;
- increased security, regulating of individual and group inmate movements within the institution;
- a general increase in overall security to ensure that all related devices and equipment are in good working order;

- promote a leadership role among correctional officers in leading discussion sessions with groups of inmates assigned on a continuing basis;
- encourage correctional officers to look for activities for a selected group of inmates that would assist in motivational development;
- increase the opportunities for correctional officers to interview inmates with a view to providing advice on the solution to various problems;
- allow correctional officers increased opportunities to understand inmate problems and/or the problem inmate.

It is my submission that if we could establish some of the aforementioned points in our jails, paying particular attention to the youthful offender and those individuals who are coming under this close supervision for the first time, we may make some meaningful contribution to the ultimate objective of returning these people better equipped, both mentally and physically, to meet the awesome demands our present life-style offers.

I personally do not consider this overall objective to be beyond the responsibility of the correctional officer at the jail level. Jail is the first correctional facility that the offender is introduced to. If we are to condition that person towards self-development, then we at this introductory level must be equipped and possess the necessary influences that will lend themselves to the exceedingly difficult and complex program of rehabilitation.

Civil Service Association of Ontario

(Received October 7, 1975)

[The Civil Service Association of Ontario represents correctional officers of the ranks of C.O. 1, C.O. 2, and C.O. 3. Correctional officers of the ranks of C.O. 4, C.O. 5, and C.O. 6 are not members of the association. Officers of these last three ranks are referred to as senior officers and have management status and duties.]

Phase One of the Royal Commission inquiry has heard numerous allegations of excessive use of force by correctional officers at the Don Jail. The Civil Service Association of Ontario, their bargaining agent, welcomes this opportunity under Phase Two to present the case of the correctional officers themselves.

The testimony reported in the media during Phase One of the inquiry indicates a strong possibility that isolated incidents of excessive use of force may have occurred at the Don. We do not condone any excessive use of force nor do our members, the correctional officers at the Don, condone such action, and we would like to take this opportunity to publicly dissociate ourselves from its use.

We believe, however, that, if any excessive use of force has occurred, it is the product of the constant tension which exists among both the inmates and the correctional officers at the institution. And we hope to show through this brief that this tension is caused by overcrowding, understaffing, insufficient equipment and material, living conditions unfit for human beings, a deterioration of the standards of health, a Ministry-wide policy of dumping troublemakers from all over the province at the Don, and a general downgrading of discipline in the institution, as seems to be prevalent in most On-

tario jails.

We are also proposing a number of recommendations which could substantially reduce the tension at the Don, recommendations which we believe are well within the ability of the Ministry of Correctional Services to implement.

It is our belief, and the belief of our members, that something must be done to reduce the tension or it will eventually explode into a major disturbance.

MINISTERIAL EXPECTATIONS

The job of a correctional officer is a demanding, thankless, and often unpleasant one at the best of times. His basic function is to provide secure custody of those removed from society by the process of justice, to provide for the material needs of those in custody, and to enforce order in the institutions in which those in custody are housed.

The correctional officer is a front-line trooper in the administration of justice. All inmates that he handles have either been charged with or convicted of a crime against society, many of which are crimes of violence; yet he handles many such inmates at one time, often alone without back-up staff available, and he is allowed to carry no weapons.

The function he performs for society is at least as dangerous as that of the armed police officer, yet he enjoys neither the respect granted the police officer nor anything close to the police officer's pay rate.

The Ontario government expects more from its correctional officers than the efficient performance of their basic function, as the following statement, made May 29, 1975, in the Legislature by the Honourable R. T. Potter, Minister of Correctional Services, will indicate:

Over the years, as its methods and programs have become more demanding and sophisticated, the Ministry has come to expect much more of its staff. In the old days it was enough that a correctional officer be a humane custodian. In those days he was called a guard. Today he is called a correctional officer. This is not simply an exercise in semantics. Staff in our adult institutions are called correctional officers because we recognize, and expect them to realize, that they play an important role in the correctional process. They are the people who, daily, are in close personal contact with inmates. Often, therefore, they are the people with the best opportunities to form helpful relationships with inmates. Today, in addition to their responsibilities in regard to security, we expect the correctional officer to be a teacher, a counsellor, a motivator, and, in the fullest sense, to be an agent of rehabilitation.

CSAO and all its correctional services members applaud these lofty expectations on the part of the Ministry. However, anyone who is even slightly familiar with present conditions in Ontario's correctional institutions will

find it hard to take Dr. Potter's statements seriously. They are especially ridiculous in the case of the Don Jail, because the Ministry provides neither the facilities nor the manpower to allow these expectations to be fulfilled.

OVERCROWDING

In that same statement to the Legislature, Dr. Potter pointed out that the population of this jail has risen dramatically during the past year.

"On May 23 of last year, 1974, there were 585 inmates in the jail. On May 16 of this year [1975], there were 870 inmates in the same facilities," he said.

These figures correspond roughly to the results of our own inquiries and we have no quarrel with them. We wish to point out, however, that this increase of close to 200 inmates in one year has required heavy use of the old section of the jail, which we believe is unfit for human habitation. This will be explored further in the section on living conditions.

Our members indicate that the overcrowding has caused the housing of about 350 prisoners in the old section of the jail where they are accommodated at an average rate of three inmates per 10-foot cell. It has even caused the doubling up of inmates in the new section of the jail, which was designed to accommodate but one inmate per cell.

While this overcrowding in accommodation adds to the inmate discomfort and is a contributing factor to the general "uptight" attitude of the inmates at the Don, the numbers alone are a poor indicator of the work-load imposed on our members.

The Don is supposed to be a holding institution, a clearing house where persons charged are held awaiting trial or awaiting an opportunity to appeal a conviction. It is not supposed to be an institution where sentences longer than 30 days are served. While we believe that the Ministry is indeed using the Don for other than a holding institution and thus contributing to the overcrowding, it is essentially the intended nature of the Don which makes the work-load on our members intolerable.

The Don sends out an average of 100 inmates to the various courts in Toronto every day and gets back about 120 inmates a day. All inmates sent out must be showered the night before and changed into street clothing. They are held overnight in the court cells in Corridors 7 and 8, which are thus always overcrowded. Inmates start returning at noon. They are undressed, showered again, and reissued jail clothing.

This movement is in addition to the normal activity in the jail which includes time for all inmates in the exercise yard, the provision of two showers per week to every inmate in the jail, meals, visits and participation in any program which happens to be operating at the time.

Officers on shower detail shower about 5,000 prisoners a month and our members consider this a conservative estimate.

The work-load on all officers at the jail would be substantially reduced if the allocation of sentenced prisoners to the institutions where they should

be serving their sentences was handled efficiently. Our members indicate that sentenced prisoners are held as long as several months in the Don before being dispatched to the institution where they should serve their sentences. While they agree that sentenced prisoners must return to the Don to have the paper work required for transfer to another institution processed, they believe sentenced prisoners should be on their way out of the Don within a week.

The guards also believe that some inmates serving sentences longer than 30 days are held in the Don until their entire sentence is served. CSAO does not have access to the documents necessary to prove the beliefs of our members in this regard. The Commission could, however, obtain the bailiff's records and check the disposition of prisoners over a three-month period.

We do not oppose the idea of a holding institution in which persons charged with a crime are held awaiting trial and from which sentenced inmates are dispatched to other institutions to serve their sentences. But we point out that such an institution is something like a warehouse. If prisoners aren't moved out at the rate they come in, then very quickly this clearing house becomes congested.

It may be that the Ministry will argue that the other correctional centres in the system are themselves operating to capacity and thus prisoners can't be moved out of the Don at the rate they should be. We reject that argument. Our members indicate that the regional correctional centres falsify their prisoner count every day to keep their inmate population below capacity. They tell us that these centres include in their inmate count all inmates being sent to court that day, all inmates due for release, as well as all overnight pickups by police, many of whom are granted bail immediately and never see the inside of the correctional centre.

As proof of this allegation, we remind the Commission that the Ministry found more than 100 beds for Don inmates at institutions throughout the province in less than 24 hours during the threat of the wildcat walkout in late May.

We also suggest that the general overcrowding in the entire corrections system could well be the result of such government actions as the closing of the Burwash Correctional Centre. Dr. Potter indicated, when the centre was closed, that the space was no longer needed due to the decline in crime.

UNDERSTAFFING

The following is the complement which our members believe is necessary to properly run the Don Jail:

Day personnel

Old jail	18 C.O.s, 7-3 (one per corridor); 6 C.O.s, 8-4 (exercise yard); 2 C.O.s, 9-5 (visits and runners)
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New jail	11 C.O.s, 7-3 (one per corridor); 6 C.O.s, 7-3 (one additional officer in corridors 1C, 2A, 2C, 3A and 3C where dangerous criminals and those with behavior problems are housed, plus an additional officer in 4C where the homosexuals and mentally disturbed inmates are housed); 4 C.O.s, 8-4 (exercise yard); 4 C.O.s, 9-5 (visits and runners)
Other duties	4 C.O.s (maintenance); 4 C.O.s (search); 4 C.O.s (showers); 1 C.O. (mail room); 1 C.O. (Chief's office); 1 C.O. (admitting); 2 C.O.s (book-in); 2 C.O.s (property office); 2 C.O.s (spares to cover sick calls and contingencies)
TOTAL DAY PERSONNEL: 72	

Afternoon personnel

Old jail	18 C.O.s, 3-11 (one per corridor)
New jail	11 C.O.s, 3-11 (one per corridor)
Other duties	1 C.O. (book-in); 1 C.O. (property officer); 1 C.O. (spare, cover sick calls, and help clear arrivals from court)
TOTAL AFTERNOON PERSONNEL: 32	

Night personnel

TOTAL NIGHT PERSONNEL:	16 C.O.'s (one for each floor plus two for clock)
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Total Operational Requirements per day: 120

One quarter of operations staff is off duty on any given day, requiring 30 additional C.O.s.

On vacation at any given time: 11 C.O.s.

TOTAL COMPLEMENT REQUIRED: 161 C.O.s

Note: This suggested complement does not provide for extra officers for guard duty at hospitals. It is felt that if the the jail were operating with fully staffed shifts, the spares could be used for hospital duty as required.

This suggested complement compares with an actual complement at the Don of 147. The jail normally operates well below this level because of the extraordinarily high turnover of staff and the inability of the Ministry to recruit staff for the Don.

It is our understanding that between January and June this year [1975], 21 correctional officers resigned. At an annual rate, this would imply a turn-

over rate of 29 per cent, substantially higher than the annual turnover rate for the public service as a whole, which has been running between 11 and 13 per cent for the past few years.

In a statement attributed to jail Superintendent William Taylor, the *Toronto Star* reported that last September the Don was 19 correctional officers short of its full complement. Our members indicate that a shortage of this magnitude is not an unusual situation. We have been told of instances where one guard has to handle two corridors, and where officers have to go into corridors to quiet prisoners without backup. Evidence already presented to your inquiry indicates that there is such a shortage of nurses that male nurses have been asked to administer medication in the female section of the jail.

An appropriate measure of this lack of staff would be the Ministry's overtime bill for the Don. Unfortunately, CSAO does not have access to those figures but the Commission can obtain them from the Ministry. Our members indicate that an estimated average work week of 60 hours would not be out of line.

Aggravating this chronic shortage of staff is the necessity to reduce the daily operating strength even further, by sending one or more correctional officers to city hospitals to guard prisoners sent there for treatment. Our members indicate the Don averages one hospital duty a day. They say there have been occasions when as many as four correctional officers have been out of the jail at one time on hospital duty. Inmates requiring 24-hour hospital treatment deplete the strength by one man per shift, including the night shift which is a skeleton crew at the best of times.

This chronic shortage of staff cannot help but make the existing staff edgy. It reduces the security of the institution and increases the hazards faced by the correctional officers. There is a feeling that reaction must be quick and decisive to any hint of trouble because there are not enough officers to handle a major outbreak of trouble such as a riot.

During the riot that took place in the new section of the jail in May [1975], jail officials waited two hours before attempting to restore order so that another shift of guards could report to duty, thus providing enough officers to handle the situation.

The obvious answer to this staff shortage is to increase the complement at the Don, but that answer is not as simple as it seems. We have been informed during negotiations with ministry officials that the much-publicized Ontario government policy of freezing the size of the civil service and indeed cutting back complement, makes it impossible for the Ministry to obtain the extra complement it needs.

We have been told that the only way complement can be increased in some specific institutions is by closing down other institutions and distributing the freed complement among the remaining institutions. Burwash was closed down for this reason, we were told.

To us, this is a counter-productive solution. It may well result in an increase in complement at the Don but it does nothing to ease the ratio of inmates to correctional officers and can only increase the problem of over-

crowding. As stated earlier in this brief, the Don is a holding institution, a clearing house for inmates. By closing an operating institution to obtain more complement, one merely reduces the number of beds available throughout the province to which excess Don inmates can be assigned; and if inmates can't be moved out of the Don as quickly as they come in, the overcrowding problem will simply continue to increase. . . .

LIVING CONDITIONS

In this section we will concentrate primarily on living conditions in the old section of the jail, because our members inform us that the newer section, if the overcrowding were reduced, would be a reasonable place to house inmates and a reasonable place in which to work. We acknowledge that everyone, including the Ministry, admits that the old section of the Don is a poor place to house inmates and that construction is under way on new facilities which will eventually replace the old section.

But the May 29 statement of Dr. Potter in the Legislature indicates that these new facilities will not be operational until June 1977. Thus we must consider that conditions existing in the old section of the Don are those under which inmates must live and correctional officers must work for another two years.

Inadequate ventilation and poor sanitary facilities are the major problems in the old section of the Don and, as one might expect, one problem compounds the other. Unlike the newer section of the jail, the old section has no air conditioning whatever, the lack of which has to contribute to inmate discomfort and thus tension during the hot humid days of summer.

Two particular problems exist, however. In the shower area, ventilation is provided by three exhaust fans, only one of which produces sufficient suction to hold a Kleenex tissue to the grating. A tissue pushed to the grating of the other two fans and then released simply falls to the floor. One must remember that the shower area in the old section of the jail is one of the busiest places in the entire facility. We stated earlier that officers running the showers process at least 5,000 inmates a month, and we have been told that to accomplish this, the 14 shower heads in the facility in question are running an average of 12 hours a day. Shower temperatures run in the neighbourhood of 100 to 110 degrees and because of the inadequate exhaust system, the steam build-up, as well as the heat build-up, is not removed.

On top of this, the showers in the old section handle all incoming prisoners for the jail, many of whom have not been washed for some considerable period of time. The stench in this area is enough to turn even a strong stomach.

The major sanitary problem is in the corridors of the old section. Each corridor has but one toilet for use during the day by all inmates in that cor-

ridor. During the night, all inmates are locked in their cells from approximately 10:30 p.m. to 6:00 a.m. with no access to this toilet. Instead, the average of three men to each cell must use a plastic bucket on the floor for all their sanitation requirements. No special consideration is given if an inmate suffers nausea and spends the entire night vomiting or if an inmate suffers from diarrhea. In the morning the inmates take these buckets from the cells and flush them down the toilet at the end of the corridor.

Ventilation in these corridor cells is provided by six oval openings approximately three inches wide and 10 inches long at the top of the window in each cell. One can appreciate that even under good weather conditions there can be but little movement of air through these cells. During the hot humid weather, when the outside air is often very still, there is almost no movement of air and at night, when the inmates are using the buckets on the floor, the noxious odour merely builds up in the cells over the 6½-hour period.

Our members tell us that coming back on these corridors after several days off is a shock even to seasoned correctional officers. One needs little imagination to realize what it must be like to wake up in one of those cells in the old section of the Don. The correctional officers tell us that early morning is one of their problem periods in the old section of the jail. Many inmates refuse to get out of bed until after the buckets have been removed from the cells and emptied.

Our members tell us that vermin are surprisingly well controlled at the Don, although less well controlled than they used to be. However, the current system of controlling fleas and lice is inadequate, and eternal vigilance is required to prevent their spread throughout the jail.

Occasionally rodents are spotted throughout the jail but our members indicate that this problem is also reasonably well controlled.

It seems, however, that crab lice are a major problem. Outbreaks are common and the infestation spreads rapidly. Treatment for crabs is noted in the shower area log and the Commission can check the frequency of occurrence by using this document. Our members inform us that during the week of July 7, an entire corridor was treated for crabs. The treatment itself is effective, the members say. Apparently the medication provided achieves a complete cure within 24 hours.

General cleanliness of the entire jail is also a major problem. Our members indicate that the downgrading of discipline, which will be covered later, has caused a dramatic deterioration in this regard. Three years ago, inmates were required to keep their living areas spotless, the correctional officers say.

One cannot escape the conclusion that the old section of the Don is unfit for human habitation. That much was reported to Mr. Justice Callon by a Supreme Court Grand Jury, April 14 of this year [1975], and by previous grand juries over the past five years. Yet about 350 inmates are housed in this area, which includes the section of the jail where all new inmates are admitted and through which all departing inmates are dispatched.

Inmates living in these conditions cannot help but be resentful and "up-

tight" and correctional officers, who are exposed to many of the same conditions as the inmates and who are aware of the effect of the living conditions on the inmates, are themselves tense.

LACK OF MATERIAL AND EQUIPMENT

Chronic shortages of towels and socks for the inmate population have been reported by our members. Indeed there are instances when prisoners are clothed in their own street clothing because of a lack of jail clothing. In recent months our members on shower and clothing duty have been recording these shortages in the log book. A sampling of the log recordings follows:

- July 2 Supply of towels exhausted – using P.J.s (pajamas) to dry.
- July 3 Clothing supply exhausted.
- July 4 Courts still returning, clothes short for inmate issue.
- July 5 Courts being processed, no towels.
- July 9 Informed Mr. Mulhern that neither main stores nor female laundry are capable of supplying us with socks. Therefore incoming inmates to receive own socks.
- July 11 All courts returned – still clothing shortage due mainly to machine breakdowns. Intermittents being given own clothes due to depleted stocks at this time.
- July 15 Dormitory 25 inmates, showers and shirts. No towels, socks or pants. Unable to shower or change one and two or three and four corridors, clothing not available, not even from main stores. Also showers cold. Shower very cold, no stock to supply.
- July 18 Intermittents being processed. No jail blues to supply these men, left in own clothing, two machines in female laundry out-of-order.

This brief sampling of the log book cannot but prove that shortages of material is a problem at the Don. It is a problem that contributes to the tenseness of the institution because inmates are required to take their wet towels with them up to the corridor for continued use until their next shower. Many inmates spend considerable time either in their own street socks or without socks due to the constant shortage of this item. The use of street clothes by inmates is dangerous because of the possibility of these garments spreading vermin in the jail.

The problem seems to be the inadequacy of the female laundry to keep the male section of the jail supplied with an adequate stock of clothing and towels. Our members report that there was no problem three years ago when the male section operated its own laundry.

Apparently, the female laundry is inadequately equipped. The old male laundry had a machine capable of stretching socks which shrink during washing. The female laundry lacks this equipment; thus large quantities of

socks become useless and are therefore not available for issue. This not only wastes taxpayers' money but adds to the irritation of inmates already subjected to inhuman living conditions. We also draw the Commission's attention to the notations in the log pointing out the periodic lack of hot water for showers.

Inmates are entitled to two showers a week, as well as twice-weekly changes of undergarments and shirts and once-weekly changes of trousers. Many of us who work and live in air-conditioned comfort find we cannot get along with less than one complete change of underwear and shirt a day plus the comfort of being able to bathe daily. Consider the discomfort and attitude of men who live in a hot, poorly ventilated facility and who are deprived of one of their two clothing changes per week and also perhaps subjected to a cold shower.

As mentioned earlier, vermin is controlled only because of eternal vigilance on the part of the correctional officers. The problem is compounded by inadequate equipment. The jail used to have a walk-in gas chamber to kill vermin on inmates' street clothing, but this piece of equipment was allowed to fall into such disrepair that it was condemned by a health inspector as a risk to the officer operating it. Now clothing is sprayed by an insecticide and our members report that this method is ineffective as live vermin are found on the clothing thus treated the next day.

This practice is particularly dangerous because inmates scheduled for court appearances are dressed in their own clothing the night before their appearance, and are lodged in the court holding cells in corridors seven and eight of the old building. Because of the constant movement of inmates through these holding corridors, the danger of any vermin on inmates' personal clothing spreading throughout the jail is indeed great.

Our members are concerned about the total lack of riot equipment at the Don and the lack of training in its use. We have pointed out earlier the chronic shortage of staff at the Don and referred to an incident where the officers in charge waited for a shift change in order to obtain sufficient officers to quell a disturbance. This lack of equipment and training compounds the hazard already faced by our members because of the staff shortage. Inmate knowledge of this lack also increases the chance that a major disturbance will occur, and thus contributes to the general tension in the institution.

SECURITY

Besides the security risk involved in understaffing, as pointed out earlier, our members have two basic complaints on this score – the method of choosing inmates for work teams, and inmate access to weapons.

We are informed that inmates for work teams are chosen by a work board made up of senior officers and the social work staff in the jail. Since being assigned to a work team is a reward because it is a relief from boredom, one

of the major criteria for the choice of an inmate is his behavior record during his current stay in the jail. The other main criterion is the nature of the crime with which he is charged for this specific trip to the Don.

Our members complain that no effort is made to survey the inmate's past record, and they are able to cite numerous instances where inmates who have been convicted in the past of very serious crimes of violence are granted membership on a work team. Such inmates may well be in on a minor charge on this occasion, but where they have shown a tendency toward violence in the past, they shouldn't be trusted.

Similar complaints have been received from our members at the Ottawa Jail and they believe this lack of input from correctional officers contributed to the jail break last June.

This is particularly critical with regard to inmates who work in the kitchen, where they have access to knives and other sharp cooking utensils.

The general ease with which almost any inmate can acquire a weapon is certainly disturbing to our members. The favourite weapons seem to be spoons which have had the shaft part broken off and sharpened to a point, and broken cups to which a shoe lace has been tied. This broken cup on the end of a shoe lace is a particularly dangerous weapon, as it can be hurled as a projectile with terrific force or used as a club, again with much more force than is possible by merely swinging a broken cup by hand.

Since every inmate has access to both cups and shoelaces, every inmate could easily fashion such a weapon. No correctional officer entering a corridor to quiet a disturbance can be sure that such a weapon won't be used on him. And remember, no correctional officer carries any weapon of any description himself.

Members also criticize the practice of leaving the kitchen garbage for long periods of time in the cellar of the jail. They believe that this garbage is a veritable arsenal of weapons, ranging from broken crockery to jagged tin-can lids.

Our members also point out a flaw in the air-conditioning system of the new jail. It has no dampers on the ducts carrying the cool air through the building, making it impossible to use tear gas as a method of stopping a riot should the need arise. Without dampers, the tear gas would spread through the ducts and affect all other sections of the new part of the jail.

A DUMPING GROUND FOR HARD CASES

The Commission has already heard testimony during Phase One that trouble-makers from other institutions in the province are sent to the Don, presumably to be straightened out. Our members have the impression that every institution in the province sends to the Don any inmate who becomes troublesome enough that he becomes a problem to handle.

Apparently the rationale for this practice is that behaviour problems in

the minimum and medium security institutions are sent back to the Don to be reclassified and sent elsewhere. However, our members claim that inmates are sent back to the Don from Millbrook, the province's maximum security institution, indicating that even this, the toughest institution in the system, sends its troublemakers to the Don.

Again, CSAO does not have access to the documents that could prove our members' beliefs, but the bailiff's records are available to the Commission and a study of these documents, we are informed, will give the Commission ample evidence of this practice.

The result of this practice is not only to increase the overcrowding at the Don but to give the Don a concentration of the most dangerous and troublesome prisoners in the province. The Ministry recognizes this, as was demonstrated by the May 29 statement of Dr. Potter in the Legislature. He said: "The inmate population of the Toronto Jail is composed of some of the most difficult, unpredictable and potentially dangerous inmates being held in custody in any institution in Canada."

Inmates are sent to the Don because they are troublesome and they arrive at the Don expecting trouble. There can be no doubt that this also contributes to the general tenseness in the institution.

DISCIPLINE AND MORALE

Again, the Commission has already heard under Phase One substantial testimony from our members stating that discipline at the Don has deteriorated. Our members are subjected to all manner of verbal abuse from inmates, and they totally lack confidence that the jail administration will give them the backing they need to handle inmates.

Our members tell us that charges filed against inmates for misconduct and even for attacking an officer are sometimes ignored by the administration. Often inmates who have been sent to segregation as punishment for offences are let out before completion of that punishment. In fact, our members tell us (and have told the Commission) that inmates sent to segregation have been sent back to their corridors *before the end of the shift during which the punishment was imposed!* They spend the remainder of the shift laughing at the correctional officer.

Living conditions in segregation, when compared to those in the old jail, make a trip to segregation a reward, not a punishment. Inmates are placed alone in a cell roughly the same size as the cell they must ordinarily share with two or three other inmates. Instead of a bucket on the floor at night and the stench that this type of "sanitary" facility creates, inmates are treated to a hole in the floor through which water is constantly flushing to prevent the build-up of excrement and its accompanying smell. Instead of the constant noise and hassles of the corridor, punished inmates have quiet for a brief period of time and are given books to read as entertainment. For

an inmate housed in the old section of the jail, a three-day stint in segregation is a welcome holiday.

The restricted diet punishment which used to accompany a trip to the segregation cells is now rarely used. Inmates are given the full diet while on segregation, removing any element of punishment attached to a segregation sentence.

Our members believe that some inmates purposely start trouble so they will be sent to segregation for a rest from corridor life.

The lack of discipline and low morale both are attributed in part to the change in the administrative structure of the Don. Three years ago the management superstructure included a Superintendent, one Deputy, four captains, each in charge of a shift, six lieutenants, and six sergeants. The current structure includes one superintendent, four deputies, two assistant deputies, seven lieutenants, and 11 sergeants; and our members tell us that plans are afoot to create five more lieutenant positions.

[The CSAO represents correctional officers up to and including the rank of C.O. 3 (corporal).]

This proliferation in the management superstructure, according to the correctional officers, has resulted in the confusion of the chain of command. Various supervisory officers whose duties overlap and conflict, countermand one another's orders and no one, our members claim, feels ready to take the responsibility for making decisions.

The fact that there are many more supervisory personnel than before gives inmates more persons to whom punishment sentences can be appealed. This, our members believe, leads to more frequent reduction of any punishment sentences imposed on the inmates. They point out that most of the extra management personnel have extensive background in institutions rather than holding jails like the Don and that these officers hesitate to impose the discipline necessary in a holding facility.

Finally, the abundance of supervisors precludes any one officer becoming responsible for the activities of the correctional officers on a particular shift. The correctional officers have no opportunity to develop loyalty to an individual boss, nor can they be sure if any of the bosses under whom they must work, will back them up when trouble occurs.

In fact, the Commission will recall that the chief issue in the brief wild-cat strike which took place May 29 this year [1975] was the conviction on the part of the correctional officers that they dare not defend themselves against inmate attacks for fear of losing their jobs.

Our members also resent the heavy complement of administrative staff at the Don, believing that their jobs would be easier and safer if some of the fat were trimmed there and given to the correctional officers to help in the actual handling of inmates.

We submit that this lack of discipline does in fact exist, and that it contributes to the general tension at the Don through a lack of deterrents against inmate trouble and an attitude on the part of the inmates that they can get away with defying the authority of the correctional officers. Where inmates know they will be properly punished for misconduct, the likelihood of that misconduct is reduced, as is the need for force to restrain the misconduct.

SCENARIO FOR TROUBLE

We have attempted to outline some of the conditions under which inmates and correctional officers co-exist at the Don. Here we will attempt to show how these conditions breed the incidents of violence which have been brought before the Commission in such numbers.

Inmate X is one of hundreds of inmates being held in the Don to await trial. Every eight days, he must make a court appearance in compliance with the law. The night before his appearance, he is taken from his normal corridor, along with 100 other inmates, escorted to the shower area, stripped, and issued his own street clothes. He is then sent to Corridor 7 or Corridor 8, the court-holding corridors, where he is crowded in with the other inmates scheduled for a court appearance the next day. He must either undress and sleep in his underwear or sleep in his court clothing, because he is issued no pajamas. Again, because the court-holding corridors are in the old building, his sole sanitary facility overnight is the bucket in the cell which he must share with three other men. Both he and his clothes are subjected to the stench created by that bucket, and that stench remains with him on his clothing for the entire next day.

Perhaps he is the lucky guy who gets to empty the bucket that morning after being wakened at 5:30 a.m. With that smell still in his nostrils, he **must eat his breakfast.**

After breakfast, he is handcuffed and jostled into a paddy wagon with 12 other inmates for his trip to court. He arrives at the court building about 8:00 a.m. but has to sit in a holding cell for at least two hours because court doesn't start until 10:00 a.m. Probably it won't be until 11:00 or 11:30 a.m. when he makes his court appearance. All during that time, he must sit with nothing to do in that court cell, bored stiff.

His court appearance lasts about two minutes. He's remanded for another eight days and then he's hustled back down to that court cell to await the paddy wagon which will take him back to the Don. That wait lasts another two hours before he's handcuffed again, and again jostled into the paddy wagon to take him back to the Don.

The paddy wagon has been sitting in the sun, the heat inside has built up to about 110 degrees, and today it must make a couple of stops to pick up more prisoners before returning to the Don. The trip to the Don in that oven lasts 1½ hours before he's again pulled from the paddy wagon and hustled into the jail.

Today he's lucky. The water in the showers isn't cold and he's back soon enough to get a towel. Only one towel, however, and he's informed that he must take his wet towel with him to his corridor for his personal use until his next shower. There are sufficient jail clothes for him but the socks he is given have shrunk to a size that would fit no one older than age five. He must wear his own socks, the ones he has sweated in all day, or go barefoot.

Back up to his corridor he goes and almost immediately another inmate hassles him. After a day of frustration, that hassling becomes the straw that breaks the camel's back. He takes a swing at the other inmate and the fight

is on.

Enter the correctional officer. It hasn't been one of his best days either. It has been a hot day, one of those 90-degree, high-humidity days that occur so often in Toronto in summer; and because of the heat the inmates have been acting up all day. Earlier on his shift, he had sent another inmate to segregation only to have that inmate sent back to the corridor an hour later to laugh at him for the rest of the shift. The Don is short-staffed this day because two officers have been sent out on hospital duty and so no backup is available to help him quiet the disturbance in the corridor.

He is told (to use a euphemism) to get stuffed when he orders the inmates to stop fighting and come out of the corridor, so he must go in after them. In he goes, aware of the other inmates crowded around the two who are fighting and aware too that any one of those inmates could have a broken cup tied to a pair of shoelaces and could use this weapon on him at any moment.

He grabs inmate X and the inmate takes a swing at him. He reacts swiftly and decisively, hitting the inmate hard in the solar plexus, twisting an arm quickly behind his back and pushing him quickly out of the corridor.

An incident of brutality? No. The correctional officer reacted in a manner which suited the conditions under which he was working. He did what he had to in order to both get the job done and protect himself from injury.

This is just one common scenario which breeds violence at the Don. Of the 100 inmates a day who leave the Don for court, about 80 of them are in the same position as inmate X. All of them are subjected to the same hassles and frustrations, and any of them could react to the culmination of those frustrations in the same manner.

As expressed earlier, tension at the Don is constant, with both the inmates and correctional officers always uptight. It is surprising that more incidents don't occur.

RECOMMENDATIONS FOR IMPROVEMENT

Recommendation 1

A facility should be provided within the jail itself which could comply with the habeas corpus laws and to which a magistrate could be assigned to handle all weekly remands of Don inmates.

Implementation of this recommendation would greatly reduce the workload on our members, particularly the correctional officers assigned to shower and clothing duty, as it would eliminate the need to change inmates into street clothing for their court appearance, and eliminate the need for the shower and change into jail clothing on return from court.

As stated previously, 80 per cent of all inmates dispatched to court each day are sent for weekly remands. These inmates could be sent to the court

facility in the jail directly from their regular corridor, eliminating the crowding in court-holding Corridors 7 and 8, and reducing the inmate frustrations imposed by the weekly court visit.

We believe that such a system would not only relieve the burden on the other courts in the city but also save taxpayers the expense of the large number of daily pickups of Don prisoners now being performed by police.

We believe that this recommendation is one that could be accomplished with little capital outlay and that would pay for itself quickly in improved operating efficiency.

Recommendation 2

A security facility should be provided at one of the general hospitals in Toronto which could serve the hospital needs of all prisoners of both the police and the Ministry of Correctional Services in Toronto. This facility should be designed as a maximum security facility and supplied with its own full-time correctional staff.

Such a facility would eliminate the almost daily problem of having the operating staff at the Don reduced by the requirement to send officers out on hospital duty. Behind the suggestion that this be a maximum security facility is the idea that all manner of criminals requiring hospital care would be treated there. The increased capital cost of making this a maximum security facility would be offset by the reduced number of correctional officers needed to man it. Again we believe that the total cost of administration of justice in the Toronto area would be reduced by the implementation of this suggestion, because it would eliminate the need for a police officer or a correctional officer to guard every individual prisoner taken to hospital – as is currently the practice.

Recommendation 3

Exhaust fans should be installed on the outside of the ventilation slats on the windows at both ends of all corridors in the old section of the jail.

This is our minimum recommendation for improving the living conditions within the old section of the Don. It is intended to at least remove the noxious odour built up overnight from the plastic buckets on the floor of the cells.

We believe the ideal solution would be to move all inmates out of the old section, but we realize that this can hardly be done until alternative facilities are found elsewhere. It would be better if the Ministry could install proper sanitary equipment in every cell in the old section; but again, we realize that the cost would be prohibitive, especially since the old section will be abandoned in about two years.

Yet something has to be done to improve the living conditions. No man can be treated like an animal indefinitely without eventually reacting like one.

Recommendation 4

A ventilation engineer should be retained by the Ministry of Correctional Services to investigate all ventilation problems at the Don, particularly the exhaust system in the shower area of the old jail. The appropriate repairs to all ventilating systems should be carried out immediately upon the tabling of this engineer's report.

This recommendation is more or less self-explanatory. We ask that repairs be carried out immediately because we have been informed by our members that repairs to the exhaust system in the shower area have been scheduled for some two years but have yet to be completed.

Recommendation 5

A government task force or Royal Commission should be established to investigate thoroughly the disposition of inmates through the entire provincial correctional system.

As suggested earlier, our members feel substantial numbers of prisoners are held in the Don to serve sentences longer than 30 days, sentences which should not be served at the Don. Our members also believe that the administrations at other institutions in the province falsify their daily inmate count to keep their institutions operating below capacity. It has been suggested both by our members at the Don and those from other institutions that the Don is a dumping ground for all troublemakers throughout Ontario's correctional system. All these suggestions can be investigated by such a task force.

Even if our members' beliefs are not fully substantiated, such a task force would undoubtedly find inefficiencies in the prisoner flow throughout the system and be able to recommend improvements.

We believe that improvements in the prisoner flow through the system are essential, not only to relieve the current overcrowded state of the Don, but to prevent the future overcrowding of any new facility built to increase its capacity.

Recommendation 6

The correctional officer complement at the Don should be increased by a total of 14 in line with the suggested complement recorded earlier, and the Ministry of Correctional Services should be urged to make a concerted effort to recruit the required complement.

The suggested complement increase is that recommended by our members who are perhaps in the best position to know how many officers are needed and how best to deploy them. Our members have endeavoured to be modest in their demands for extra staff, suggesting increases only where they strongly believe additional staff are necessary for jail security and the safety of the correctional officers.

We believe that if the working and living conditions at the Don are im-

proved, the Ministry will experience less trouble recruiting staff for the jail and retaining the staff recruited. Reduction of tension due to the implementation of other recommendations in this brief, together with work load reductions resulting from the implementation of the recommendations, will also reduce the turnover rate.

In our view, the Ministry has not been making a sufficient effort to recruit new correctional staff through the normal recruiting methods of advertising, etc.

We also believe that the cost of the additional staff could be reduced by trimming fat at the administrative level.

Recommendation 7

A consultant should be retained by the Ministry of Correctional Services to investigate and make recommendations on the equipment requirements of the laundry at the Don Jail, so that its capacity will be sufficient to provide an adequate supply of clothing and towels for use by the Don's inmate population.

We [have] demonstrated . . . that a chronic shortage of clothing and towels exists at the Don. Our members indicate that this shortage is primarily due to the inability of the jail laundry to cope with jail requirements. They say that no such problem existed a number of years ago when the male laundry was in operation. It seems that female prisoners cannot be worked the same number of hours per day as male inmates, and that this limits the time the laundry can operate, and thus its capacity.

If this turns out to be the major problem, it would seem reasonable to turn the laundry over to the male section of the prison. Log notations also indicate that the laundry equipment is insufficient to handle the load and is improperly maintained, as several equipment breakdowns were noted.

It is to be hoped that such a study would recommend the acquisition of equipment to stretch shrunken socks, or the acquisition of socks made from a material less prone to shrinking than is currently the case.

Recommendation 8

A device capable of completely destroying vermin on the street clothing of inmates should be purchased and installed in the Don immediately and correctional officers should be trained in its use.

The Commission will recall that we [have] pointed out the inadequacy of the current method of controlling vermin, making this recommendation self-explanatory.

Recommendation 9

Riot equipment should be purchased for the Don immediately and the correctional officers trained in its use.

We believe that if such equipment were available to the correctional officers and this fact known among the inmates, the presence of this equipment alone would deter serious disruption in the jail. We also believe such equipment is essential to the security of the jail and the safety of our members.

Recommendation 10

Paper or styrofoam cups should be issued to the inmates to replace the plastic cups currently in use in the jail.

Our members indicate and indeed have demonstrated to us that the Melmac-type plastic cups used in the jail can be broken by simply dropping them on the floor. When broken, these cups can and are used as weapons against other inmates and the correctional officers. Indeed, our members indicate that the broken cup is the most common weapon found in the institution.

Removing the plastic cups would greatly reduce inmates' access to weapons and thus both increase the security of the institution and the safety of our members.

Recommendation 11

Correctional officers [C.O. 2 and C.O. 3] should be represented on all boards determining the membership of work teams. Moreover, an inmate's entire criminal record and past behaviour record should be considered, along with the current charges he is detained on and his current behaviour record, when he is considered for membership on a work team.

Proper selection of inmates for work teams is critical to jail security because all work team members are allowed out of confinement. It is especially critical in the case of inmates chosen for kitchen duty where they have access to knives and other sharp cooking utensils.

Our members want representation on the work boards because they have a more intimate knowledge of the inmates than the administrative personnel currently serving on the boards, and would help to balance the more lenient assessment made by the social work staff. Indeed, equal representation of correctional officers and social work staff could strike a balance that would both serve the security and rehabilitation ends of the Don operation.

Recommendation 12

Inmates should be required to serve to completion any punishment sentence to segregation imposed because of improper conduct.

We make this recommendation because it is obvious to us that discipline must be reinstituted in the Don. The sentences themselves are rarely longer than 10 days and the conditions in segregation are better than in the old

section of the jail. A reduced sentence of three days or less is merely a holiday to the offender and hardly a deterrent to further disruptive activity, since the only punishment aspect of segregation is the deprivation of company and television.

As pointed out earlier, the constant reduction of punishment sentences by the administration serves only to increase the disrespect of the inmates for the correctional officers and to deepen the lack of confidence of the correctional officers in the administrative staff.

Recommendation 13

Use of restricted diet punishment should be reintroduced for inmates guilty of serious offences such as striking a correctional officer.

Again, the same arguments about discipline apply. Restricted diet does not mean bread and water, but bread with a quarter-pound of bologna three times a day, plus the full diet every fifth day, far from a diet which would cause starvation.

We believe there must be some method of increasing the punishment of offenders who strike correctional officers; otherwise inmates who have already caused a disturbance punishable by segregation will have nothing to lose by taking a swing at the guard attempting to restore order.

If inmates were aware that specific offences brought specific punishments and that these punishments would not be reduced, more thought would be given before the offences were committed. It might be a good idea if a list of offences and the punishments applicable to them were produced and issued to the inmates, correctional officers and administrative staff alike.

We are convinced that, if proper discipline were maintained at the Don, incidents of violence would be greatly reduced.

Recommendation 14

The administrative structure at the Don should be streamlined to clarify the chain of command and to establish a firm and proper appeal procedure for both the inmates and the correctional officers.

We refer the Commission again to the cumbersome administrative structure described earlier in the brief and the complaints of our members in this regard.

Any punishment system requires an appeal procedure, but the current system at the Don is such that any senior officer can countermand the recommendation of a correctional officer to impose punishment.

We believe that a simple system, where but one officer per shift is able to hear inmate appeals, is necessary and that this officer be guided by appropriate criteria for the assigning of punishment to offenders. The correctional officer should be present during any inmate appeal because he has an interest in having his decisions upheld. It is the correctional officer who must main-

tain order in the area to which he is assigned and while it is necessary that inmates be justly treated, it is also essential that the authority of the correctional officer not be unnecessarily undermined.

Recommendation 15

There should be no interview by a Ministry inspector or other administrative personnel, of any correctional officer, whether a probationary employee or permanent staff, concerning an allegation of misconduct against him without the correctional officer having access to either union or legal representation.

This recommendation is strongly urged by our members because of the practice within the Ministry of holding "preliminary investigation" interviews with members alleged to have behaved improperly, and then using these interviews as full disciplinary hearings where the member is denied representation.

Our members feel, and we agree, that these so-called "investigative" interviews are often wrongfully used to circumvent Section 31 of the regulations under the Public Service Act, and are designed to deprive them of the protection guaranteed to them under that regulation.

Our members view the Ministry inspectors who conduct these hearings as little more than government hatchet men who endeavour to produce a result from their investigation in line with the wishes of the jail administration. We believe this was the case in the dismissal of Edward Torrance who appeared before the Commission in Phase One.

We point out that this practice denies our members the basic protection which is at the heart of the rule of law in a democracy – the right to be represented during an interview in which one could incriminate oneself.

Recommendation 16

The probationary period for correctional officers should be reduced from one year to three months.

We believe that the probationary period itself and the reason for that period is morally wrong and altogether unjust, because the reason for the probationary period is to give the employer an opportunity to terminate an employee during a specific time frame without that employee having any access to a grievance procedure.

A person's job – his livelihood – is as valuable to him as any of his possessions, and no one should deprive him of it without due process of law. Under normal employer-employee relations where the employee has representation by a bargaining agent, due process means the employer must prove just cause for dismissing an employee, to the satisfaction of an arbitration board if necessary.

If the employer has a just reason to dismiss an employee, ranging from incompetence to gross misconduct, he can always rid himself of that em-

ployee. However, if that employee has no access to a grievance procedure, he can be dismissed at the whim of his employer.

While we oppose probationary periods in principle, we recognize it would be unrealistic to suggest that the probation period be eliminated altogether. We therefore propose a reduction in the probation period to three months, the length considered normal in the private sector.

The Commission, which has heard the case of Edward Torrance, will realize the injustices that can be perpetrated when employees have no access to a grievance procedure. Leaving employees unprotected for three months is bad enough. An entire year without protection is intolerable.

SUMMARY

We trust that through this brief we have shed some light on the conditions at the Don Jail, which not only breed violence in the institution but also reduce its effectiveness as a correctional facility.

We believe that the recommendations we have submitted are logical solutions to the problems we have pointed out, and will both reduce tensions in the jail and improve the working conditions of our members. We stress that all these recommendations are reasonable and well within the means of the Ministry of Correctional Services to implement.

David Webster Cockburn

Correctional Officer, Grade 2

I have been a correctional officer with the Department of Correctional Services for Ontario since September 1968, and have resigned as of Friday, March 7th, 1975, to take up a similar occupation in Her Majesty's Prison, Porterfield, Inverness.

In December 1974 I was on holidays in Scotland and I applied for the position of prison officer at this institution.

This position is similar to the one I have had in the Toronto Jail.

Discipline in the Scottish penal institutions is much more strict than that imposed in Ontario as I understand it.

Discipline is near non-existent in the correctional services here.

None of the prisoners, or very few of them, have any respect for the officers in Toronto Jail because of the laxity in the enforcement of the regulations from the Ministry officials down the line.

A couple of years ago the Ministry introduced a new regulation which all C.O.s were required to sign.

This stipulated that an officer should not assault an inmate even in self-defence [sic], and as a result of this a number of C.O.s have been assaulted and injured.

Few of these officers were interested in charging the inmates responsible because they realize that the courts are so lenient that the sentences imposed encourage this activity by the inmates and as a result their risk of future injury is increased instead of being diminished by the court sentence.

The tension in the Don Jail seems to be reaching a peak and I feel that one of these days the whole place is going to explode into a violent situation.

This situation I feel would be caused, in particular, by the Royal Com-

mission hearings which have been in progress for a number of months.

Also, the way the inmates are being treated with televisions and radios which are nearly always turned on and cause so much noise that an alarm can go off and the staff can't hear it because of the racket.

This is a very serious situation because it could result in the loss of lives or many serious injuries to the staff or inmates or both.

Promotion opportunities are better in Scotland than they are here.

Also, there are government grants made to qualified staff to tour penal institutions in other countries to give them additional knowledge of the various systems.

Housing accommodation is also a big factor.

The prison service in the British Isles provides either a house or a rent allowance and superannuation paid by the government, which isn't the case here.

Prison officers also have their own associations which bargain for their wages and living condition improvements.

In Ontario, the C.O.s are in the Civil Service Association with typists and office staff.

If they agree to some change in their working conditions the C.O.s have to agree also because they are outnumbered by several to one and therefore outvoted.

There should also be a program in the jails where every officer gets a change of duties and gets a chance to become accustomed to all the work that has to be done.

The examinations, and aptitude tests which last approximately an hour here and are answered by placing an "X" in the appropriate box, are marked by placing a card or mark over them to indicate the answers with holes.

My point is that if an applicant can answer these questions correctly he passes his exam and is instructed to have a medical examination.

If he passes the medical he is told he will be notified as to whether he has got the job or not.

I think it would be better if the exam was upgraded and included arithmetic and English which are necessary for a C.O.'s work.

I also think that when an officer is appointed he should get some institution training with one officer instead of being with a number of officers.

I think that overseas there is a better communications system which I feel is very important among officers in prisons.

This is all I can think of and I think that the staff morale would rise if some of these things were put into force.

Robert Simpson

Correctional Officer, Grade 2

(Received December 18, 1975)

[C.O. 2 Robert Simpson and C.O. 2 James Loran were the two union representatives in the Toronto Jail during the course of the Commission hearings.]

Sir, after completing five years' service in the Toronto Jail I humbly believe I can give a constructive criticism of the provincial correctional system. Over a number of years the provincial government has poured thousands of dollars into well-meaning projects in an effort to curtail offenders of our laws from repeating their crimes – as we say, becoming recidivists.

The past two years has seen a remarkable increase in the population of all types of institutions. As recently as this past summer, when questioned on the serious overcrowding of all correctional institutions throughout the province, a certain regional administrator stated, "As soon as the Maplehurst complex opens the overcrowding will disappear." I believe inwardly he thought the Christmas period always shows a downward trend in population; however, the Maplehurst [Milton] complex is now open and there still is no relief in the population in the Toronto Jail; if anything it has again increased. . . .

[Mr. Simpson then referred to the closing of the Burwash Correctional Centre, which is not within our terms of reference.]

Since that period of time, crime has escalated far in excess of the normal. A less restrictive bailing system has also helped in this excessive increase. So on reflection we find the Ministry has removed 800 beds [Burwash] from their total and our institutions have each surpassed their security capacity and there has been no alternate complex built or being built to alleviate the problem.

I am aware that two new jails will be opening some time in 1976 or 1977; however, jails are holding areas for those due to appear in court not institutions for time-serving inmates.

Long-term recidivists are the prime problem of the correctional services. There is not a suitable institution in the province that is in operation at this moment that could house them. However, there is a particular part that operated through Burwash C.C.; that is Camp Bison. I believe that this camp could accommodate up to around 150 total and would go a long way towards easing the overcrowding.

Sir, one more point that I would like to put before you for some thought is the youth 16-19 sentenced and housed in correctional institutions. These youngsters have a very slim chance of rehabilitation. It is a known fact that any youngster sentenced to a term in jail usually has a long juvenile record. When those kids hit the Toronto Jail they believe, in their own fashion, that they have made "the club" and are quickly coerced into the sub-cultures. This is not an exaggeration on my part, believe me. I have spoken to many of those youngsters; they have no terror of the sentence they may receive; they show no anxiety as to where they will serve their sentence. I believe the companionship they find in the jail has a lot to do with this and it continues through all their sentence.

I firmly believe that juveniles aged 14 through 19 should, instead of being submitted to a Ministry facility, be committed to an outside administration, e.g., a military academy type school where academic, trade training, and military ideals could be given them, and that the grading given by this academy should be accepted by all unions regarding apprenticeship and time completed. No connection whatever should be made between this type of school and correctional institutions.

To give the youngsters a feeling of belonging the academy could be broken down into houses to give a competitive spirit and a source of pride in one's particular house.

I believe also a small army of social workers could be attached to the academy in the same manner as they are employed in corrections, to keep ties with the youngsters' families.

I'll finish by stating that 75% [sic] of the funds allotted for rehabilitation are being wasted on 22-year-olds and over who truthfully have no wish to be rehabilitated. The other 25% is used on the youngsters who should be receiving the majority of all aid handed out.

K. G. Appleton

Correctional Officer, Grade 2

(Received August 27, 1975)

The most tension in being a correctional officer, in my opinion, is caused because of the nature of the job.

In my opinion we (correctional officers) are positioned at a nerve-centre caused because of a tension on a line set between two factions of our culture.

The correctional officer is the front-line man; on the one hand he is responsible to the society and to the establishment of which he is a part if the line is not upheld; on the other hand he is subjected to the emotional outbursts of those who cannot clearly discern the line for one reason or another and are trapped on the wrong side.

That they, the inmates, cannot clearly see the line or choose to ignore it may be because of the various modes of life in the community and that the line is not clear to anyone – it may be because it is not spelled out to them well enough, or it may be because of the selfish or irresponsible actions that they have been a party to (and do not want to see it) and be subjected to its limitations.

The whole culture has established the laws which made the line by creating the factions, and chooses to consider those who refuse to accept them as irresponsible, or sick or criminal, notwithstanding the factions seem as well to be based on a natural law, much like the laws that make growth and life possible in the temperate zones of the earth and impossible in the polar regions, and for the offender he is subjected to the crippling punishment or destruction of a man unprotected on a zero night or like a man defying the law of gravity.

The correctional officer stands hard as the bars or thick walls, he turns the key, he gives out the orders, he represents the opposite faction of the

establishment, he doles out the food, he does the inspecting, he embarrasses with regular security checks and counts, he lays charges, he is the strong arm.

The correctional officer's position is one of limited esteem in the establishment. If there are questions to be answered there are lawyers, doctors, social workers, senior officers, clergy, records officers, classification officers, parole officers, etc., available to the inmate.

To confide in the correctional officer is to break with the other 100-200 men in the corridor, therefore it would seem he is at best ignored, unless there is an immediate personal need, or else subjected to challenge as a diversion or definite attempt to intimidate.

So then the nature of the job and the function he fulfils causes much tension for the correctional officer – the law that destroys by limiting men's freedom and grouping them with the irresponsible, or if necessary partial or total destruction, seems to work something like this.

When an injustice is done in, say, the glaring examples of an armed robbery or rape, and if men persist in this type of action, sooner or later they are to suffer and be punished and destroyed, if not in total in part. If the injured party or their guardian forgives them, the next one or the next one won't, and they will be searched out to be the victims instead of the aggressors. The courts, it seems, are designed to carry this out in an orderly manner rather than having the man judged in the heat of the passion of the victims or their friends.

Certainly these men have broken moral and statute laws but, as for the question of this being a physical or mental abnormality in these men, it seems that they have failed to grasp or chosen to disregard the existence of the line and/or its importance (that the culture has established or exists because of the natural law) and have become the unfortunate victims of circumstance. Quests for possessions and sexual desires are aroused in normal men and men at times fail to observe the interests of others in the heat of the moment – and that these men should be punished before they learn to control themselves has much similarity to the following example.

Two men can be driving at 100 miles per hour, both are breaking the law, but one gets slowed down O.K., the second one misses a turn to be killed or permanently disfigured by loss, of life, leg, arm, time, etc, an unfortunate victim of circumstances when his behaviour is compared with that of the other.

The injury to the inmate, it seems, comes because he must be branded abnormal, sick, or irresponsible, therefore he is treated as being irresponsible, and he is associated with others who are irresponsible, he is locked up, not allowed to handle things normal for responsible people, he is looked at every half-hour during the night, his doors are opened and closed for him, he is fed, not allowed to use a phone, etc.

This condition is very frustrating for thinking people in the community, for the correctional officer it is more so because he is so close to the inmates.

It would seem that something more might be done to explain to the inmates as well as persons in the community before they become inmates how things are run in the society. . . .

Another of the frustrating things of being a correctional officer today is the present tendency to criticize him in front of his charges. Consider the duties of a correctional officer to that of a custodian of children. The officer, like the child custodian, is the responsible party. If the child custodian, in trying to stop a child from going on the street, must be able to explain the reason for a response that must be made on impulse and is subjected to an interrogation of questions and criticisms whenever force must be meted out, the irresponsible person when he is not answered becomes more and more difficult to manage. It makes the job of the correctional officer very frustrating when he must be able to explain rules of life that are as varied as the voices that are heard on the air, in print, and from the pulpit.

The present methods of corrections, which place more emphasis on the humanitarian approach and trying to help the inmate by encouragement, greater communication, and by greater compassion, etc., to grow up, also cause additional frustration.

In the past six years, I see radios and televisions installed, evening tea instituted, longer visits, etc. While these things in some instances may be advantages to the inmate still they can have disadvantages and cause frustrations for the correctional officer who must be conscious of the importance of discipline, and security, and correcting the inmate. For instance, extended visits seem humanitarian to help the inmate, but place yourself in a position of an officer taking over hospital duty. The previous officer at the request of the inmate has advised his family. Now his mother, father, girl friend, or wife is at the hospital with little or no restriction on the time of the visit. These fellows are not usually treated like the irresponsible persons they have proven themselves to be, they are usually fast talkers, bullies, and their families jump to them. The officer is the stranger among two or three friends and can be turned off or ignored and it's difficult to keep in the picture and control the situation, let alone correct or discipline.

Another example of following someone who tries to be humanitarian at the expense of security. I understand I have been reported to this Commission as liking to slam doors. What happens is this. In the new building, to get one way to the inner corridor from the outer corridor requires passing through two doors on the sallyport — this journey requires four loud clangs — two clangs to open the doors and two to close them, so for one inmate to make this journey out and in requires eight loud clangs, so when you have a lot of coming and going, you can imagine what happens. This can be reduced by letting the inmates hold the switch in the lock; but where is security? Now follow an officer who does this, and bring in a semblance of security, and taste the verbal abuse and pent-up feelings you are subjected to from down the corridor.

Another thing that makes life difficult for the correctional officer is the generally greater acceptance of looser sexual living in the community or falling away or downgrading of the puritan ethic. . . .

Now where do you start to tell them anything about the values of, say, a puritan way of life, as opposed to say a naked jungle way of life, if you don't get support from the community and the voices you hear on press, pulpit, radio and T.V.? . . .

Henry Gagne

Correctional Officer, Grade 4

(Received August 11, 1975)

I would like to submit a couple of recommendations re the second phase of your inquiry.

I was an employee of the Don Jail for 15 years, 1957 to 1972, since when I have been at the Brampton Jail. I have also served in the military police during the war, most of it in military prison. I have also five years in the Saskatchewan Mental Hospital as a male nurse for a total of near 28 years, some of it very depressing and some gratifying.

But I believe that the greatest problem that arises is the length of time required for a worthwhile pension. You see, sir, as the system now stands, to get a full pension without penalty one must be 65 years old with 10 years' service or 60 years with 20 years' service, or on the point system of age plus service to equal 90 points.

Let's say at age 58 with 32 years' service is too long to work with prisoners or mental patients of today's calibre or degree of mental capacity or moral quality – the drug addicts, the rebellious youngsters with numbers of social problems. I suppose age plus the generation gap [make] the elderly tend to lose the ability to communicate with today's youth.

I would like to see an army-type pension where one could retire after 15, 20, or 25 years' service, or at 45, 50, or 55 years of age and/or drop the point system to 75 or 80 points from the present (90 points) for retirement, without the 5% penalty for every year of service to 65 years of age.

With 24 years of service after buying back my war service of over \$5,000, and due to the 5% penalty per year to 65 years of age, the best I could hope for would be about \$245 a month, or between \$2,900 to \$3,000 a year, after working most of my life in jails. This is less than living off welfare or

unemployment insurance.

I often wonder if it's worthwhile working another eight or nine years for a \$7,000, or about \$580 a month, pension, or say to hell with it all, the hassle, the inquiries, the name-calling, and go on welfare. I suppose it is just pride and a sense of achievement, or the knowledge that you have given your best to society, and say now I can retire in a little house in the country and grow a few vegetables and enjoy those last few years.

I would also like to see the government (the Correctional Services Branch) institute at least a one-year course at university level in corrections sociology and criminology for every staff presently employed by the Ministry of Correctional Services, and any persons starting permanent employment as of January 1, 1976, should have a certificate in corrections, sociology, or criminology, or at least attend such a course.

It is not necessary that the standard of education is that high behind bars, but in order to understand the problems of today's youth.

In the year about 1964 I did a survey in the Don Jail of 200 inmates at random. The average education standard at that time was less than Grade VIII.

The Salvation Army

Correctional Services Department

(Received May 1, 1975)

The Salvation Army is pleased to have an opportunity to express its views to the Royal Commission on the Toronto Jail, and in response to your request a committee was formed of Salvation Army officers who have served in the role of chaplains at the Toronto Jail consecutively from 1959 to this present date. Each member of the group verified that at no time during the aforementioned period was any brutality or mistreatment of the inmate population witnessed, nor had there been any verbal or written complaints by inmates to these officers during their period of service, pertinent to maltreatment.

The committee is of the opinion that there is much public misunderstanding of the role of the Toronto Jail, which is basically a holding unit. At the same time, it is our opinion that there have been transitions in the justice system which should be considered in the operation of the jail, particularly in what appears to be an increasing trend for court procedure to be elongated through overload of cases, slow process procedure, and numerous remands and deferments. It is unfortunate that persons are held in the Don Jail setting for long periods of time, from weeks to months, rather than a few days, and it is our impression that this is a serious matter, and that an alternative holding facility should be arranged where programs, recreation, and other meaningful activity can be offered persons awaiting trial, particularly where the waiting period exceeds 21 days.

It is realized that efforts are being made to replace the old Toronto Jail, and this action is to be commended and encouraged as the present facility is most depressing, not only for the persons incarcerated, but for the jail staff as well. . . .

Consideration should be given to the fact that inmates today are more unpredictable and present more problems in the jail setting. The Salvation Army feels that it is commendable that staff training is on the increase and more emphasis is to be given to the treatment of an inmate as a person. Excellent new staff are being recruited and trained. However, we do feel that more effort should be put forth to close the gap between the old-line guard and the present-day correctional officer. Both have much to offer.

The fact that the Toronto Jail is strictly a holding centre greatly limits the role and function of correctional officers in that institution. The heavy traffic in and out of the jail, a lack of program, the transition of inmates, and the limit of rehabilitative goals, leave little room for a variety of function in the staff job role description. The aforementioned problems could be most conducive to job monotony, and create a lack of interest. There is little opportunity to form long-term relationships, and the ensuing routine results in detachment, disinterest, and low job motivation. It is questioned by this committee whether guards should be left in such a setting for long periods of time. The service demands on staff seem to be very specialized and related to routine rather than in-depth involvement with the inmates.

The Salvation Army committee respectfully submits the following recommendations:

1. That efforts be undertaken to better educate the public as to the purpose and role of the Toronto Jail, and the limitations for developing programs and in-depth care that is afforded by this role and the acute mobility of the resident population.
2. Efforts to place greater control on the jail population, both in its size and consistency, should be undertaken.
3. The development of a special activity program for persons who are required to remain in the jail for a period in excess of three weeks.
4. That the peculiar jail purpose and function be kept in mind in the selection and training of staff, particularly as it relates to job monotony, routine, and short-term relationships with inmates.
5. That every effort be put forth to keep youthful offenders from spending time in the present Toronto Jail facility. Hopefully, a specialized holding and assessment facility can be created for first offenders and youthful offenders where their particular and peculiar needs can be met.

Ontario Association of Professional Social Workers

(Received August 8, 1975)

Consistent with the Statement of Purpose of the Ministry of Correctional Services, the prime role of the correctional officer resides in maintaining security controls and providing a counselling relationship so that genuine rehabilitation can take place within custody. To quote from the Minister's [Dr. R. T. Potter] statement in the Ontario Legislature regarding the Toronto Jail, of May 29, 1975, "... in addition to his responsibilities in regard to security, we expect the correctional officer to be a teacher, a counsellor, a motivator, and, in the fullest sense, to be an agent of rehabilitation".

The correctional officer carries the direct burden of today's enlightened correctional attitude that suggests custody and treatment need not be two distinct areas but rather ought to be intertwined. Custody must be administered in such a way as to lead to acceptance of rules of society at large. Treatment necessitates meaningful interaction between people, and all staff are potential therapeutic agents.

Correctional officers are working in a milieu that, at first glance, is confusing in itself as it is punitive as well as healing. The correctional officer's role appears to be contradictory. In any correctional agency in the community, regardless of type, the employee of that agency not only has the responsibility to care for persons who have been made wards or inmates of the state by reason of illegal behaviour, but also the responsibility to protect the community from further such behaviour. We are expected both to administer the restrictions assigned by the community to offenders and to help the offender modify attitudes and behaviour. In this relationship, the client participates without regard to his desire and often against his will. Hence, we use a formal authority relationship — a sociological one which

must be turned into a psychologically useful, influential relationship if we are to help an offender decide to rehabilitate himself. It would seem as if we are in the classic double-bind position. Clearly, relationship skills are needed.

The presence of social work within corrections is related to the traditional concern of the profession for human needs. In the meeting of these needs, the profession has historically focused on the environment as a source of human problems and its change as a means of their relief. That the individual and his immediate surroundings must be worked with *together* is reflected in the methods, techniques, and particularly the areas of practice in which the profession operates. Reduced to a correctional perspective, the profession claims that rehabilitation is impossible unless both the institutional environment and the inmate, the community and the offender, are taken into account. Namely, the offender should be viewed as a social person with a problem that exists not in the offender alone, but in a total social system.

Accordingly, the practice of social work is concerned both with changing the environment in which the offender is encased – institutional and outside – by utilizing social planning and organizational procedures which strengthen social provisions, through the mobilization of resources and the development of community services; and by utilizing other social work procedures to bring about changes in individual social functioning, particularly in interpersonal relationships.

THE TORONTO JAIL

1. Physical Setting

The Toronto Jail was constructed to meet the needs of a much smaller metropolitan area, during a much less sophisticated era, with a vastly different philosophy of incarceration. Since assuming responsibility for the Toronto Jail in 1968, the Ministry of Correctional Services has made some effort to provide an extended program and range of services to inmates and remands, consistent with the aims of the Ministry. However, the size and age of the institution, the variety of persons held there, financial considerations, staff whose philosophy reflects that of an earlier era, community disapproval, and high counts, have made this task virtually impossible and largely unsuccessful.

Physically, the Toronto Jail is totally inadequate from any perspective and has a dehumanizing effect on both inmates and staff. It is old, dirty, and poorly lit and ventilated. It has poor facilities for inmates and staff, totally inadequate cubicles for community agencies to visit and become involved, and a maximum security visiting area only. The entire institution is a maximum security setting, regardless of the needs of inmates, or the reasons they are being held. The total effect, both externally and internally, is that of a fortress-like edifice for detention. The physical appearance and facilities have a significant influence on inmates, staff, and the community. The

Toronto Jail bespeaks fear and separation from society and all social relationships, and is a physical manifestation of the alienation that occurs when a citizen is incarcerated for any reason.

Internally, the alienation continues and is reinforced by the physical structure. Bars and cells separate inmates from correctional staff so that few relationships are possible and none is encouraged.

II. Nature of Inmates

To a large extent, inmates in the Toronto Jail reflect the characteristics of a large, urban, high-density area. In many instances, inmates have highly sophisticated coping mechanisms, are alienated, committed to anti-social functioning, and sophisticated in crime. The average age of the inmate population is decreasing, while their confusion and disturbance is increasing. In addition, they are coming from a wider variety of cultural backgrounds.

In terms of the inmate sub-culture, the Toronto Jail has a certain mythology. It is considered to be a "hard core" setting which has "status" for those committed to criminal activity and identity.

Among those incarcerated at any given time, there are two major groupings:

1. Remands from the courts – whose charges vary from minor ones to murder. Little attempt is made to separate these persons according to behaviour or offence, with the exception of some who may require protective custody or exhibit extreme acting-out behaviour. It is significant to note that these persons are innocent before the law until found guilty as charged, but their incarceration in the Toronto Jail does not acknowledge this.
2. Sentenced prisoners – include all those who have been convicted of an offence and sentenced to periods ranging from one day to life imprisonment.

Both groups include a number of alcoholics and drug addicts; young and old first offenders, the hard-core group, the mentally ill, retarded and physically handicapped, immigration cases, and those under protective custody for a variety of reasons. In addition, the sentenced group includes returnees from other institutions for reasons of unmanageable behaviour or release planning, inmates with intermittent sentences, and those directed toward temporary absence and community programs.

The majority of inmates are unknown to line staff in the institution at the time of admission, and to a considerable extent remain so because of inadequate internal classification and inter-staff communication.

III. Correctional Officers

Most staff are acutely aware that society in general does not really care about its correctional institutions (save when staff are injured), and, indeed, tends to denigrate the staff associated with these institutions. With the considerable

social censure related to employment in the Toronto Jail, many staff do not view their position as having value and status in the community. Because of this, it becomes difficult to recruit new staff for the Toronto Jail.

Until the past few years, correctional officers were trained to provide custody only, and relationships with inmates were actively discouraged as being contrary to good custody. There is a new philosophy in the Ministry of Correctional Services, but the normal resistance of any person to change, combined with the inability or unwillingness of many staff to fit into the new system, has resulted in few changes in the Toronto Jail.

New staff go through a greater degree of testing out by other staff than is usually found in most new jobs. In many instances the "old guard" are responsible for the on-the-job orientation of new staff, and serve as their only reference group. Those who accept the philosophy of the "old guard" remain. Those who do not accept it continue to be shunned and "set up" by other staff, or appear to be given the worst jobs, and many resign. Those who accept the "old guard" philosophy receive good evaluations during their probationary year, while the others do not. Thus, many good staff are being lost to the Ministry.

The younger, better educated correctional officer is often resented and feared by other staff – resented because he looks upon the job as a temporary stepping-stone to another position in the Ministry or in the community, and feared because he is often promoted over the other correctional officers. . . .

There are two important factors at the Toronto Jail which result in increasing the gulf between correctional officers and inmates. Firstly, the staff are older than in many other institutions, while there is a trend towards an increasingly more youthful inmate population. In addition, the average educational level of inmates exceeds that of the staff. Thus, communication between staff and inmates is difficult, even for those who would like to open the lines of communication.

IV. Service Demands Upon Staff

Some of the job pressures on staff were mentioned previously. They included providing custody only to a large number of poorly classified, hostile inmates in a large, old, inadequate building. There are several additional pressures. There is a tendency to keep an officer in one area for a long time if he functions well in that area, thus creating boredom and lack of diversity for that officer. In addition, whereas the relationship between staff and inmates in a small jail is usually fairly close, since they know each other from the street, this is not true of the Toronto Jail because of the size of the catchment area, and the transiency of the population. As well, there is poor communication between senior staff and line staff, and little feedback is given to line staff regarding their performance.

The Toronto Jail has difficulty in recruiting and holding on to new staff. Because of staff shortages, correctional officers are putting in a great deal of overtime. This, of course, causes absenteeism to increase because of increased illness due to the added pressure and fatigue. Thus a cyclical process is occurring, putting a great deal of pressure on staff.

RECOMMENDATIONS

I. Unit System

While we are aware that separation of particular groups of inmates in the Toronto Jail has occurred for many years, and has been expanded in the past year, it is felt that the present groupings and the staffing and programming for these groups are inadequate. We therefore strongly recommend the establishment of a series of units within the existing facility, responsive to the needs of both inmates and staff.

The units recommended, related to the clientele housed in the jail are:

REMAND AREA

Those not yet sentenced should be separated from sentenced offenders. A separate corridor should be maintained for those not previously known to the courts and institutions, so they do not become involved in the institutional system before they are found guilty. It is recognized that remands may have varying minor or major charges, and therefore attention to security and protective custody would be necessary. Observation of behaviour should occur in this area, and such information should be communicated to other areas upon transfer.

SHORT-TERM OFFENDERS

A separate unit should be established for inmates serving sentences of less than 90 days. In this unit, the emphasis should be on return to the community. Close relationships should be developed with community resources, so that the inmate is enabled to use community services upon release, is motivated and assisted to use them, and has a greater opportunity to separate from and remain outside the institutional system.

ASSESSMENT UNIT

This unit would provide an assessment of each inmate with sentences of over 90 days and less than two years. These assessments would include information on inmates prior to sentencing, physical examination, psychosocial data, and behaviour within the unit. The assessment would determine transfer to the appropriate provincial institution.

HEALTH CARE ASSESSMENT AND HOLDING UNIT

This unit would be used for assessment of observable medical and/or psychiatric symptomatology, with recommendations being made regarding transfer to the appropriate facility. The unit would also provide psychiatric and medical consultation to other units of the jail. In this way, medical, psychiatric, and nursing staff would be centralized in one area, and medication dispensed from this central facility. It should be noted that emphasis should be placed on health rather than illness.

MAXIMUM SECURITY UNIT

This unit would be used for reclassification or holding of returnees from

other institutions for behavioural reasons. A separate area in this unit should be established for immigration and deportation holds.

T. A. P., INTERMITTENT SENTENCE, AND PRE-RELEASE UNIT

The emphasis on this unit should be on employment, school, recreation, community involvement, and use of community services. Ideally, this unit should not be located in the Toronto Jail at all.

FEMALE UNIT

This unit should be separated into remand, short-term, and maximum-care areas. All females with sentences of more than 30 days should be classified for transfer to Vanier or a community facility as soon as it is appropriate. Ideally, Vanier should have its own maximum-care unit, in order to provide continuing care for female offenders.

Staff at all levels (administrative, clinical, and correctional) should be assigned to specific units so that relationships among staff, and between staff and inmates, may develop. Open communication between units is also an essential part of this system. The unit system appears to be the most direct and appropriate method of providing service to clients, and at the same time intervening in the inmate sub-culture system. It provides a more challenging and rewarding position for correctional officers and narrows the gap between clinical, correctional, and senior management staff.

II. Recruitment

In our opinion, the personnel department of the Ministry of Correctional Services is doing an excellent job. However, because of the shortage of suitable applicants and the large staff turnover at the Toronto Jail, they are finding it difficult to maintain the complement at full strength.

For this reason, the Ontario Association of Professional Social Workers wishes to make the following recommendations regarding recruitment of correctional officers at the Toronto Jail:

Firstly, the Ministry of Correctional Services should attempt to counteract the present negative image in society of corrections and correctional officers through their information branch – a branch which is much too small at present to perform this task. In addition, the Ministry should make a concerted effort to stimulate interest in corrections and correctional careers at the high-school level. As well, the present correctional workers program at Centennial and Sheridan Colleges should be greatly expanded, and their graduates should be encouraged to obtain employment at the Toronto Jail. Newspaper advertisements should be used more extensively, and a closer liaison with Canada Manpower developed.

Finally, women should be permitted to work on the men's side of the Toronto Jail. This arrangement has worked out very well at other male institutions, and there is no reason for it not to work at the Toronto Jail. The first women chosen would have to be carefully selected and well pre-

pared for their new positions, since the opposition from other staff, both open and subtle, would no doubt be very strong.

III. Selection

We believe that the following qualities are essential in selecting correctional officers for the Toronto Jail – maturity, flexibility, stability, responsibility, ability to work under pressure, ability to establish healthy relationships, ability to work successfully with others, ability to set limits, and a positive attitude towards people and correctional work.

Further desirable qualifications include training in psychology, sociology, and the social services, ability to speak languages other than English, and a knowledge of the Toronto area and its resources.

IV. Orientation and Training

The two-week orientation program for new correctional officers, which has been developed over the past several months at the Toronto Jail, appears to be adequate to meet the initial needs of new staff. However, once the new correctional officer begins to work in the institution he runs into all the difficulties which were mentioned previously.

We therefore recommend that the new officer should be provided with five months of on-the-job training. During the first three months, he should be rotated through every part of the institution, and learn all the tasks the correctional officer performs at the Toronto Jail. For the last two months of this five-month period he should be located in the unit in which he will finally be placed. The new staff person should be supervised and supported by staff who believe in the new philosophy of the Ministry of Correctional Services.

In addition, all new staff, as well as experienced staff, should take several courses, either from Ministry of Correctional Services personnel or, preferably, from community college staff. These courses might include human growth and development, abnormal psychology, human relations, crisis intervention, community resources, chemical abuse, and criminology and penology.

V. Social Services Department

The present small group of classification staff are making a tremendous effort on behalf of inmates, but, because of a lack of professional leadership, no clear mandate, poorly defined roles and functions, and lack of staff, their effectiveness is limited. With the difficulties encountered at the Toronto Jail, and with some of the changes proposed in this report, it is the strong contention of this association that a social services department, directed by a senior, professionally trained social worker, is a mandatory, integral part of

the correctional process. There should be a differential use of staff with varied training in the different units, including the M.S.W., B.S.W., M.C.A., B.A., and social services graduates from community colleges. Some units would clearly require the specific expertise of the clinically trained M.S.W. Other units would require the expertise of an experienced M.S.W. trained in leadership development, program analysis, resource planning, and the development of community services. The direct and indirect services to inmates would include social assessment and classification, individual, family, and group treatment, release planning, and development of relationships with, and referral to, community services. The major focus of the social service staff, however, would be on program development, team leadership along with correctional staff, in administration of programs within the units, staff training and development, consultation and support services to correctional staff in their management/counselling functions with the inmate, and the development and co-ordination of a community-based program for the short-term offender unit and the T.A.P., intermittent sentence, pre-release unit. The social service staff should maintain a high degree of visibility and involvement by being out in the units a good deal of the time, interacting with staff and inmates. This association recognizes that the correctional officer is the most important person in the institution – he is the person with constant day-to-day contact with inmates. Therefore, a most significant function of the social services department should be as consultant and advisor to the correctional staff, in order to enable them to perform their duties in an effective manner. This department would be especially useful in supporting and training new, young staff in the institution. The director of the social services department should have a direct reporting relationship to the Superintendent, in order to obtain the necessary decision-making and administrative support. In fact, the director of social services should be a full-fledged member of a small senior management group, providing overall policy leadership to the total Toronto Jail program and providing liaison with the central office of the Ministry of Correctional Services.

This model is applicable to the inmate and his environment, to the extent that it allows for multi-faceted intervention throughout the institution and promotes the creative use of all staff, each working to his own ability.

Ontario Psychological Association

Dr. D. Jackson

Dr. R. Reynolds

Dr. E. Stasiak

(Received September 8, 1975)

1. The selection and training of correctional officers is no different in principle from selection and training for any other job, profession or vocation. The profession of psychology has considerable expertise which can and should be applied to this selection and training; and the following should be carried out under the direction of a legally qualified psychologist.
2. A job diagnostic survey should be undertaken as the first step in any attempts to improve the selection and training of correctional officers. This will require soliciting recommendations from senior correctional services staff regarding whether or not the job needs to be redesigned, for example, job enrichment.
3. The Ministry should become involved in more widespread public relations and recruiting procedures in order to obtain a large sample of potential employees from which to select. When screening candidates, the Ministry should process from 50 to 100 per cent more applicants than are required to fill vacancies.
4. Overprocessing is needed because many candidates will apply for the job for reasons such as a need to exercise authority over people, self-protection via demonstration to themselves of good competitive skills compared to their clients, and so on. This means standardized psychopathology-oriented screening procedures should be used before training, to eliminate eminently unsuitable candidates.
5. A systematic survey of attitudes and values should be made within each institution to establish the climate of the various employment settings. Screening of potential employees should include an evaluation of the

applicant's attitudes and values to insure that these are compatible with the climate in the setting in which he will be employed.

6. A systematic job analysis should be performed to determine the relevant knowledge and skills required for successful employment as a correctional officer. Preliminary work has been done in this area by the personnel branch which has divided the duties of correctional officers into five broad descriptive categories:

- (a) Inmate security: supervising and controlling inmates, being alert for problems, etc.
- (b) Counselling and inmate care: in counselling inmates, answering inmate questions, supervising meals, arranging for clothing, etc.
- (c) Administrative duties: writing reports, keeping a log book, arranging transfers and discharges, etc.
- (d) Institutional security: locking and unlocking doors, checking windows, etc.
- (e) Supervision of staff: supervising staff, training new staff, etc.

It is suggested that counselling and inmate care be considered separate items because of the importance of the former in current programs. As Dr. Potter has stated, "In the old days it was enough that a correctional officer be a humane custodian. In those days he was called a 'guard'. Today we expect the correctional officer to be a teacher, a counsellor, a motivator, and, in the fullest sense, to be an agent of rehabilitation."

7. Potential employees should be given a detailed description of the population, the various aspects of the job, and the percentage of time spent on each in every institution.
8. There are a large number of selection procedures (for example, biographical data, structured interview, interest testing, etc.) which might reasonably be expected to predict success as a correctional officer. These procedures should be chosen by and administered under the direction of a psychologist with an interest in personnel selection, and the data from them should be stored. Testing of current high-rated correctional officers would help in arriving at a useful battery of selection procedures, in establishing initial norms for the devices in the battery.
9. Candidates should be accepted as cadets and should be inducted directly into staff training school. At this school, the knowledge and requisite skills should be taught, and candidates should only be allowed to proceed to probationary status if they meet the necessary standards for knowledge and skills. A review and revision of the present staff training school curriculum should be conducted on the basis of the findings in paragraph 6.
10. Formal classroom instruction should be de-emphasized in favour of more experiential training experiences, with the instruction having three ordered components:
 - (a) lectures and readings,
 - (b) exposure (for example, via videotape) to experienced correctional models performing in the various aspects of the correctional officer job (for example, counselling inmates, conducting searches, etc.), and

- (c) personal involvement in simulation of the above situations.
11. To the extent that employees are being obtained from among the graduates of community college courses, the content of these courses should include the knowledge and skills to be acquired by employees inducted through the staff training school.
12. Probationary staff should be evaluated on performance criteria based on the content of the staff training school course (which, in turn, is based on the job analysis referred to above). This should take place at three months, six months, and one year after graduation from staff training school.
13. When a suitable number of applicants have been inducted and have worked for the Ministry for over a year, a statistical analysis of predictor variables in relationship to assessment variables (including such things as absenteeism, disciplinary action taken, and dismissal or quitting) should be made. The results of this analysis should be used to establish new suggested bands (undesirable, questionable, acceptable) for interpretation of the selection procedures.
14. A semi-structured interview with rating scales should be constructed and used for exit interviews with all employees. Supervisors should also be interviewed. An annual review of the general results of these interviews should be made for use by management. These exit interviews could indicate changes in the screening procedure, along with other information which may be available.
15. After a correctional officer has been satisfactorily employed for 3-5 years, he should have an opportunity to go through an intensive group assessment program designed to systematically establish his potential with the organization.
16. This assessment, lasting two to three days, should involve:
 - (a) psychological and physical testing,
 - (b) simulated individual and group experiences on which the officer would be rated, and
 - (c) a clinical interview with a psychologist.
17. The results of this assessment should be reported to the candidate and his supervisors. This report should be used as a basis for discussing career planning and promotion with the candidate.
18. After five years, research should be conducted on the validity of the various assessment centre criteria, based on the performance of those assessed.
19. The correctional system is still evolving. What may have been adequate selection criteria 10 years ago are not only inadequate for today's programs but may, in many instances, actually be counter-productive. Similarly, today's selection criteria may be outmoded 10 years hence. Thus, selection and training procedures must be under constant review and development. The present proposal therefore includes provision for continuous alterations over time.

Ontario Medical Association District 11 (Metropolitan Toronto)

(Received January 13, 1976)

[Because of the technical and professional nature of some of the matters raised in this brief, the Ministry of Correctional Services was invited, if it wished, to submit an answering brief. This was done by the Ministry's senior medical consultant at that time, whose brief is printed immediately after the Ontario Medical Association brief.]

This report deals primarily with the health care facilities of the Toronto Don Jail. Studies of possible brutality within the system are not within our professional competence to make, except inferentially as the system itself might seem to encourage or discourage brutality.

Visits have been made by representative members of the executive of District 11 to the Don Jail and interviews held with Dr. Dubelsten and other members of the medical staff, Dr. W. J. S. Melvin, consultant to the Medical Service of the Ontario Corrective institutions, Mr. Taylor, the jail Superintendent, plus various other nursing and paramedical staff members.

PHYSICAL FACILITIES

The physical plant has been condemned frequently and consistently over many years — we add our voices in dismay and horror at the mediaeval circumstances under which human beings are held incarcerated within the "Don". We are not criminologists and venture no opinions on the best measures for rehabilitation of offenders against society, but do carry the

view that imprisonment in such surroundings, no matter how well meaning the personnel may be, smacks more of providing society's vengeance than its punishment. The physical facilities for medical and nursing care are in large part no better than those of the rest of the jail. Thus, the health area itself is infested with silverfish, cockroaches, and mice. Medical facilities are scattered throughout the jail making communication between health care personnel cumbersome and difficult.

Within examination areas, changing and toilet facilities are not available and female nurses are obliged to change in the interview area with the ever-present hazard of having someone walk in. A trip to the toilet requires being accompanied by a custodian through the prison corridors while being locked from door to door. There are only two rooms with examining tables for male patients and one such room, geographically greatly separated, for female patients. All these rooms double as medical administration, doctors' offices, minor surgery, laboratory, medical dressing and storage rooms.

Facilities for seriously ill inmates include 21 beds for males, five for females, and 32 for psychiatric patients. The male sick bay we visited was simply an open crowded cell with no working room whatsoever for nursing staff.

The sick bay for female patients is roomier, being comprised of single, barred cells separated by concrete walls. Within these cells are individual toilets fully exposed to the hallway.

Facilities for psychiatric patients and for patients referred for psychiatric evaluation are little better.

The pharmacy is massively overcrowded with medications on open shelves.

In sharp and shiny contrast is the new X-ray unit, still not in use, but clearly modern and surrounded by adequate space, plus an outmoded fluoroscopy mini chest unit.

Finally, we found the kitchen sewer backed up during one of our visits; this unsanitary catastrophe, we are told, takes place about every three weeks. The dishwashing machine for the almost 900 inmates plus staff was inoperative and had been inoperative for some time.

Further comment on the physical plant is, we believe, unnecessary, since the Commissioner and his staff are surely by now familiar with the building, but we are obliged to record our disgust at the retention of the isolation cell, comprising four concrete walls, a small window, and a hole in the floor for urination. If isolation is indeed necessary, we believe it possible to engineer non-damaging, non-removable water and toilet facilities of a less dehumanizing nature.

PERSONNEL

The authorized health personnel are as follows:

4 full-time physicians, including the Chief Medical Officer

1 part-time physician

- 3 part-time psychiatrists
- 1 part-time dentist
- 1 psychologist
- 1 full-time (chief) pharmacist
- 2 part-time pharmacists
- 1 X-ray technician
- 8 nurses, including the Head Nurse for the male surgery, *plus 4 vacancies*
- 1 nurse for the female surgery, *plus 1 vacancy*
- 1 nurse for the psychiatric clinic, *plus 2 vacancies*
- 2 medical secretaries
- 2 medical attendants

In addition, inmate aides provide the only nursing care on certain wards during the evening and night shifts.

The daily "office visit" load for two physicians to see in the two available examining rooms is from 70-80 patients a day. These patients are either new admissions or come from the cells. To this daily load is added an increase of weekend jail population of approximately 150 inmates. Thus on May 15, 1975, two doctors saw 148 patients. By legislation, all new admissions require examination, while prisoners already admitted are seen upon their own written request or on the request of nursing or custodial staff.

Examinations performed on new inmates meet basic criteria, but cannot, within the restrictions of facilities and staff, come up to the standards expected for general assessment in a private physician's office.

The psychiatric inmate load is increased by about 35 referrals weekly from court.

The pharmaceutic load is immense; over 800 prescriptions are filled a day by one full-time and two part-time pharmacists. The great majority of these medications are tranquilizers, an average of almost one tranquilizer for each inmate per day.

The physicians are on duty during the day and provide on-call service at night; their ranks are depleted, however, by the necessity for them to testify in court on an average of four times a month.

Patients are visited in the sick bays and, when necessary, directly in the cells, thus providing the traditional "house call".

When necessary, the in-patient and out-patient facilities at the downtown teaching hospitals are made readily available to inmates. Hospitalization of an inmate outside of the Don of course requires the services of one or two guards round the clock, drawn out of the jail's complement.

RECORDS

A two-sided cardboard 8 x 12 Medical History and Status Summary form is made out on each inmate. This we judge to be a practical form for its purpose. The form is filled out in part by the patient, in part by the nurse, and finally by the physician, due and sensible use being made of the nurse's

skill for certain basic examinations in accord with modern efficient medical practice. Progress notes are added as necessary. The form specifically calls for recording of all abnormalities, deformities, and bruises. Such records, of course, are of value in studying cases in which brutality has been alleged to have taken place.

We reviewed several medical records at random and found them to be largely complete and useful documents as completed.

We had occasion to note that while routine urinogenital examinations are done on males, these are not done on females.

PRISON DIET

The diet is set out by a dietitian in the Ministry of Correctional Services. The diet would appear to be out of balance with the inmates' caloric requirements in the face of inadequate exercise, since we are informed that the inmates gain an average of 15 pounds each during their confinement.

UNIQUE RESPONSIBILITIES

Two responsibilities are unique to health care personnel in this, and, we presume, in other prisons. The first is the use of female nurses to do vaginal examinations on incoming inmates in order to search for concealed drugs. The second is the daily examination by the prison physician of inmates in isolation to see if they are physically able to withstand this punishment.

In our view, neither of these responsibilities facilitates good nurse-patient or good doctor-patient relationships.

STANDARD OF MEDICAL CARE

It is our observation that the personnel providing medical nursing and other health care in the Don Jail are individually providing commendable service against vast odds in deplorable circumstances.

It is highly significant that, with a patient load which includes a far greater than average number of anti-social individuals, no claims of malpractice against a physician in his work in the jail have ever been substantiated.

In our discussions with these health care professionals, it has become abundantly clear to us that, despite the environment within which they work, their attitude towards the patient as a patient was the same as that of their

fellow physicians and nurses towards their own patients. Within their individual capabilities, these dedicated individuals are carrying out their responsibilities in a meticulous, industrious, and humane manner and we wish to record our admiration for their efforts.

We are perturbed, however, to note that remuneration for physicians is far below recommended payment levels and are concerned at the implications of this low level of remuneration for retention of present staff and recruitment of future staff.

JAIL ADMINISTRATION

In our conversations with Mr. Taylor, Superintendent of the Don Jail, our impression was that he is a thoroughly professional person with an honest concern and desire to see the medical facilities brought up to standard; this impression was strengthened in our conversations with the medical staff.

RECOMMENDATIONS

1. The Don Jail should be demolished and replaced by a modern structure containing adequate medical, psychiatric, and nursing facilities, hygienic kitchen facilities, adequate facilities for exercise and recreation, and humane living quarters for inmates.

Commentary

We are aware that new regional centres in Etobicoke and Scarborough designed for 200 inmates each are planned for 18 months from now. We emphasize that consideration of economy should not be allowed to delay the opening of these institutions. This is, however, not enough; the present building is not satisfactory for the approximately 500 inmates who would remain.

2. More space should be made available now for the health care facilities at the Don, and these should be centralized in one area.
3. The cause of sewage back-up in the kitchen area should be identified and rectified.
- 4.(a) The vacant positions in nursing should be promptly filled.

Commentary

There is at present a surplus of registered nurses in Metro Toronto, and we believe that, with aggressive advertising, these vacancies can be easily filled.

- 4.(b) In addition to filling present vacancies, there should be an immediate increase in nursing complement to allow for 24-hour coverage in the psychiatric area and fuller overall coverage throughout the institution.

Commentary

We fully endorse the use of inmate aides; these should be utilized "in addition to", rather than "instead of" qualified R.N.s.

5. Consideration should be given to training selected members of the nursing staff as nurse practitioners to further increase and expand their roles in patient care.
6. Female nurses should be trained to carry out vaginal examinations, do Papp smears, and do testing for suspected venereal disease.

Commentary

Both venereal disease and cancer of the cervix are known to be increased in prison populations. Pelvic examination should, of course, be a routine part of any general assessment.

7. The use of female nursing staff to carry out vaginal and rectal searches for drugs should cease. Female corrective staff should be trained to carry out this kind of investigative activity where deemed necessary.

Commentary

In the view of the inmate, the correctional staff, and the nurse, the nurse should be there for the care of the patient and for no other purpose.

8. To the fullest extent, within the bounds of physical security, the medical staff of the institution should remain fully independent of the correctional staff.
9. The number of part-time physicians should be increased.

Commentary

We stress part-time rather than full-time physicians. Continued experience with private patients, continued contact with other physicians, and continued post-graduate training will be beneficial to the physician and the inmate patient.

We commend the present full-time staff for the efforts they make to maintain outside medical contacts.

10. [Referable to medical staff remuneration]
11. An independent study should be made of the utilization of minor and major tranquilizers in the jail and evaluation made of their benefits and drawbacks.

Commentary

We are aware that Dr. Dubelsten is presently carrying out such a study and commend him for his initiative in this respect. We believe that such a study would be enriched by an independent outside contribution.

12. Routine daily physical examinations by jail physicians of prisoners in isolation should cease. Examination should be carried out only if requested to determine the status of suspected illness, and carry out treatment if indicated.

Commentary

A physician has no place in the authorization of continued punishment; such use of physicians should be condemned in a dictatorship; it should not be conceived of in a democracy.

13. The isolation cells should be remodelled to include humane living, water and toilet facilities.

Dr. W. J. S. Melvin

*Senior Medical Consultant
Ministry of Correctional Services*

(Received June 16, 1976)

This answering brief is prepared in response to the published recommendations of the District 11 (Metropolitan Toronto) executive of the Ontario Medical Association.

Recommendations 1, 2, and 3 represent, in essence, reaction to the same situation. The provision of health care services to the inmates of the Toronto Jail is admittedly grossly compromised by exactly the same sort of adverse situations that affect most of the operations of this particular institution. Like the correctional staff, the medical, dental, and nursing staff at the Toronto Jail are faced with the same antiquated and possibly inappropriate architecture, the same problem with regard to gross overcrowding and resultant pressure on the available services and the general lack of appreciation and prestige, visited upon this institution by the surrounding community. Demolition of the Toronto Jail as suggested in Recommendation 1 would obviously deal with the major predicament of an inadequate and unsatisfactory physical plant, but at the same time would offer no solution at all to the problem of housing of the inmates currently incarcerated in the Toronto Jail. The Ministry of Correctional Services does not have alternative facilities to house, even on a temporary basis, the current load of inmates representing the current responsibilities of the Toronto Jail. Obviously, health care services will be considerably improved where more and improved medical facilities are made available within the institution, but here again the sheer limitation of stone walls and lack of space prevent development of a totally satisfactory health care area. The minor problem of sewage backup in the kitchen has been corrected as far as we are aware, but this

merely represents an inevitable breakdown of one or more of the overstrained facilities at the Toronto Jail. If it is not the sewage that is giving trouble today, there will be some other area in which the plumbing is proving inadequate, or the wiring or some other element of the physical plant is giving yet another demonstration of its antiquity.

Recommendations 4, 5, 6, and 7 deal with the aspect of nursing services within the Toronto Jail. With regard to the question of vacancies as raised in Recommendation 4, I am convinced that a conscientious and consistent effort is being made to identify vacancies and fill them as promptly as possible. This is not always easy to do by virtue of the fact that the Toronto Jail does not really commend itself to a wide spectrum of nurses in the Toronto area and the Ministry is further bound by the same restrictions and restraints that have been imposed on all government ministries in the current adverse financial situation. At the present moment, there is, in fact, 24-hour nursing coverage at the Toronto Jail although this does not specifically apply to the psychiatric area and, equally, it was accepted that there was a very valid argument for increasing the number of nurses on duty overnight, since at the present moment there is, in fact, only one nurse in the institution over the major night hours. With regard to the utilization of nurse practitioners, the proposal of the O.M.A. gives rise to certain immediate concerns. It is our understanding that training of an already registered nurse as a nurse-practitioner is not possible on a temporary casual basis, but does involve a matter of one or more years in full-time training. There is some difficulty in arranging for a nurse in the employment of this Ministry to spend one entire year in pure training with no return of service to the Ministry at all. I would further feel that the utilization of nurse-practitioners is somewhat premature. These particular individuals are already at work in the province, but their existence is not widely known or widely accepted by the public. Even the recent publications of the Ontario Council of Health dealing with the matter of nurse-practitioners admit that there has as yet been no accurate definition of precise role and function such as a health practitioner. It is the feeling of this Ministry that until the nurse-practitioner has proved himself or herself to the public in general, we should not ask our inmates to participate as guinea pigs in a rather major social experiment in health care provision. We are aware of nurse-practitioners, we in fact do employ at least one nurse-practitioner already in this Ministry and are intending to move slowly and appropriately into the area of providing more nurse-practitioners, but with due regard to the necessity for ensuring that the employment of such professionals will be acceptable to the clients.

The question of female nurses being trained to carry out vaginal examinations is agreed. It is felt that under certain circumstances, this is an entirely appropriate function for a nurse and it is considered appropriate that nurses trained in this particular procedure should be available within the institution.

The question of examination of body orifices for contraband is of some philosophical interest. Obviously, the procedure is not carried out for any identifiable medical reasons. On the other hand, these particular forms of examination are of considerable concern and indeed distress, and there is

obvious concern that the reservations of the inmate in submitting to such examinations be sympathetically and appropriately handled. It would appear to the Health Care Section of this Ministry that a nurse of the same sex as the inmate is the most proper individual to conduct these examinations, rather than to adopt the round-about route of training selected correctional staff in this specific function. It appears to us that it would be much more appropriate and much more acceptable to the inmates to have a clearly recognized professional conduct these rather disturbing and unpleasant examinations, than to submit the inmate to a rather disturbing examination at the hands of someone who is not clearly and obviously basically trained in medical and nursing attitudes.

In Recommendation 8, it is suggested that, within some bounds, the medical staff at the institutions should remain fully independent of the correctional staff. If the Ontario Medical Association is talking about administrative responsibility, then the Health Care Section of this Ministry would thoroughly agree with the understanding that, inevitably, ultimate authority within the institution must rest with the Superintendent. There is nothing unusual or irregular about this situation as it is obviously a basic principle of provision of health care services in the armed forces. The Superintendent must inevitably remain captain of the ship and as such, the Chief Medical Officer and those under his supervision must remain under the authority of the Superintendent. This system clearly works well in the armed services and in certain other situations and it has historically and traditionally appeared appropriate to maintain the same pattern within the institutions under the jurisdiction of the Ministry of Correctional Services. On the other hand, if the Ontario Medical Association is discussing the actual provision of health care services, the Ministry would disagree with this particular recommendation. The current thrust within this Ministry is to involve the correctional staff more and more in basic health care services to the inmates. The intention is not that the correctional staff in any way practise medicine or nursing, but the Ministry accepts the very obvious reality that the correctional officer is the person within the institution with whom the inmate is in most consistent and close contact. The current attitude that is being developed within the Ministry is that, wherever possible, correctional staff are alerted as to their responsibilities in the health care supervision of inmates, certainly at the level of identifying problems that may present themselves in any given inmate, and assuring that appropriate professional reaction occurs. Equally, it is felt that the nurses and physicians should not confine their activities to the strict "health care area" but should be involved in the general life of the institution within the very necessary and major restrictions imposed by the necessity for maintaining total security of the inmates. The Ministry does not conceive of health care professionals as being isolated in one section of the institution and remaining there, but rather envisages a general routine and casual interreaction between all the correctional staff and all of the health care professionals to ensure that there is intimate and continuing supervision of the health of all the inmates.

Recommendation 9 – the number of part-time physicians should be increased – probably requires careful consideration. The basic point to be

established is some clear understanding of exactly what the health care professionals in any institution, including the Toronto Jail, are attempting to do and what is their basic function. It must be appreciated that, particularly in the Toronto Jail, there is a very high proportion of inmates who are on remand and, therefore, technically not sentenced and have not been found guilty of any crime. The remand inmate is a problem, since his rights are somewhat difficult to delineate and there is the overwhelming problem of inability on the part of the medical staff to discover for what period of time any given inmate will be their responsibility. An inmate who has been found guilty and sentenced for a definitely stated period of time is a very different matter from someone who has not been proven guilty and whose stay in the institution is totally impossible to judge. Once the basic program of health care provision within the institution has been established, there remains a problem of assuring that this program can be efficiently carried out. If the health care facilities are small and cramped, there is obviously no advantage in filling this space with physicians who may not have sufficient room in which to perform the very necessary medical functions. We come back to the basic problem that each physician or nurse who is to be working within the institution requires space with which to work, and the number of medical officers that are employed must very necessarily take into consideration the space available for them to operate efficiently. Furthermore, the concept involving part-time physicians (which really implies physicians who are primarily community-based and oriented) is completely accepted by this Ministry, and, in almost all of our institutions, the move has been in the direction of employing such physicians in favour of full-time physicians totally employed within an institution. Once again, we come up against the problem of this particular institution and the very obvious fact that employment within its walls does not commend itself to the average Metropolitan Toronto practitioner. This does not mean that we are not prepared to employ such physicians within the Toronto Jail wherever it would be appropriate, but we have to accept the basic fact that an increased number of physicians with no space with which to work will not materially improve the health care arrangements within the Toronto Jail. . . .

[Comment on medical staff remuneration, answering Recommendation 10 of the O.M.A. brief, has been omitted.]

Recommendation 11 – regarding the utilization of minor and major tranquilizers within our institutions – is in fact currently a matter of study by Dr. Richard Meen, who is acting as consultant in psychiatry to this Ministry. At the very outset, it is clearly recognized that the response of incarcerated inmates to tranquilizers is somewhat different from the response of the general public within the community to such drugs. Accepting this rather surprising situation, Dr. Meen is proceeding to develop something of a minor pharmacopoeia on tranquilizers for the information and guidance of our physicians in all institutions across the province.

Recommendation 12 suggests that routine physical examination of prisoners in isolation or segregation should cease. This apparently has been based on the concept that the medical profession should dissociate itself from a punishment. It is agreed, on the one hand, that we no longer require

doctors to attend floggings or hangings, but, on the other hand, even a minor projection of the concept that doctors dissociate themselves from punishment would suggest that no doctor should serve within an institution at all. The reason behind our requirement that inmates in segregation for any reason be routinely visited by the health care staff on a daily basis, and that increased medical supervision over such inmates should be maintained, is based on the concept that an inmate in segregation is peculiarly handicapped in making his problems, medical and otherwise, known to the authorities. To ensure that no medical problem is going unrecognized in a segregated inmate, the Ministry, as a firm policy, insists that a member of the health care team visit each inmate on a daily basis. It is respectfully suggested that the Ministry would experience extreme reluctance in accepting the recommendation as outlined in number 12.

Recommendation 13 can be accepted in principle provided the basic problems introduced by the use of segregation are appreciated. It must be understood that at least a few inmates who are assigned to segregation are of a peculiarly wilful and destructive temperament. In theory, every segregation cell should be provided with a modern, fully-equipped toilet and wash-basin facility. The problem is that a sufficient number of inmates who are assigned segregation will utilize these facilities to create a disturbance by plugging the outlet, turning on the toilet or the water, thereby flooding their area of the institution. It is admitted that not every inmate that is assigned to segregation is of this calibre, but we remain faced with the problem of how to manage an inmate who does display these tendencies. The rather primitive arrangements that the O.M.A. committee observed on their tour of the jail are not those that are routinely provided in segregation, either in this institution or any other. There does remain the fact that a small percentage of inmates require very particular and special facilities. This in no way precludes the Ministry from improving facilities wherever this is appropriate, but it is felt that any such decision should be taken in full recognition of the fact that at least some of the inmates to be housed in segregation are preternaturally destructive.

The Ministry of Correctional Services much appreciates the time and effort expended by the Ontario Medical Association in developing its brief. This answering brief is intended to be constructive rather than critical and explanatory rather than defensive.

Walter R. McCullough

*Inmate, Camp Hillsdale
Hillsdale, Ontario*

(Received August 18, 1975)

May it please Your Honour to find enclosed a brief that the Royal Commission requested me to submit. May I also add that it is both an honour and a privilege to do so.

I have never written a brief before, and I am aware that form and structure are very important, so I hasten to apologize for the very poor condition of this brief. I am sure that the Commission understands that the climate and the conditions that I have had to compose it and form it in are not conducive to good form, or, for that matter, the very construction of it appears to be more of a preamble than it does that of a legal document.

Be that as it may, I nonetheless have placed within its content almost everything that I know of the Toronto Jail. I am aware that much of its content will touch on subject matter that the Royal Commission has already formulated opinion about, and though I have included opinions around such subject matter I do hope that the Commission will be generous enough in their opinion to pardon me, and realize that it is not my intention to sway it, or to seek to change any opinion that it may already have formed.

Rather, I have thought that the Royal Commission, in asking certain inmates and former inmates of the Toronto Jail to submit opinion, did so because they wished to have a rounded opinion around all phases of the Toronto Jail's standard, function, and, if one chooses, its contribution to the community, and, thinking this, I have not hesitated to explore and attempt to evaluate certain characteristics and influences of the prison that have really not been touched on by any testimony or evidence that has been presented to the Commission as yet.

Personally, Honourable Sir, I do not think that we are really concerned [only] with the Toronto Jail, but rather, when one examines it in all its infamous characteristics, we find that we have to concern ourselves with the system, and those governmental departments that maintain and advance such public institutions in the name of the society that elected them to public office.

Traditionally, we like to think that public institutions are an extension of the community standard, that they are, in reality, monuments to both the social consciousness and the moral standards of the people who make up the community that maintains them. I am afraid, indeed happy, to say that in the case of the Toronto Don Jail this is not true; and it is creditable that, in spite of the social indictments that are hurled at the community general that they are permissive and morally bankrupt, one has to admit that social consciousness, in so far as the community general is concerned, is a very real and a very important factor in our lives, and one that can still make its force felt, especially where public institutions are concerned and the conduct of public servants who demean and endanger the moral standard of the community, when the society reasserts its requirement and enforces examination of an institution and the public servants working under its authority; it follows that they will be very interested indeed in the representative departments of their governments that have permitted, indeed, encouraged, such conditions to develop, and such public servants to assume so much upon the public demeanour and consent; it certainly is no assumption when one assumes that the community general will demand a redress and an explanation, and will be satisfied with nothing but the truth and a plan of action and opinion that will prevent such a violation of public trust and standard from ever happening again.

I am confident that this is the purpose of the Royal Commission, and one that the Royal Commission, chaired by your Honourable self, will meet with resolution and dispatch, and as a mere servant of the same Commission I am indeed happy to serve it in any way that I can.

When the news media of our community published the information that I, an inmate in a correctional institution and, lately, within the Don Prison (the Toronto Jail) had been asked by the Royal Commission to submit opinion, the floodgates were opened and the roof fell on me.

I need hardly say that as suspicion is a native characteristic of the so-called criminal element (and I am part of that group) I fully expected that my motivations for submitting to the will of the Royal Commission would be suspect. I was not wrong; it has manifested itself in many ways.

But, at the same time, avenues of contact and information were opened to me that never had been opened before. Through the inmate population I have been able to glean information, to hear opinion, to discuss, to debate, and, finally, to be able to assess the accumulated information, and write it all down.

The staffs of the prisons that I have been in, freely and certainly with courage, have helped me. Not one of them, in any way, made any move or effort to intimidate me, withhold information, or discourage those inmates

and fellow officers who wished to talk to me not to do so. I have been amazed and to a degree gratified with the realization that they really are interested [that] the truth concerning the Toronto Prison be clearly stated and understood by both the Commission and the public. With this conviction in mind, I have the pleasure and the honour of submitting this brief to the Honourable Chairman and the Royal Commission.

In the section of the brief suggesting the formation of an Ombudsman, I have advanced the opinion that public interests and institutional safety of its residents might be better served with the creation of such an authority. As the provincial government have already recognized the need for such authority, and have created such an authority to serve the Toronto police force, I would like to restate that I do not think such an authority is needed solely for the Toronto Jail, but rather for the whole Department of Corrections, with the many correctional centres and holding prisons that are under the department's authority.

I make such a stipulation motivated only by the desire to protect those men and women of the Toronto Jail who have fulfilled their duty and met their responsibility with honesty and application, who do not deserve or need such authority over them, and would be victimized and demoralized by the creation of such authority simply to intimidate or control the actions of a few officers who do violate public trust and whose actions reflect on the whole.

In conclusion, Sir, I must say that, whether it is believed that mine is the voice of the rabble or the calculated and planned opinions of a malcontent seeking redress, or fame in criminal circles, it does not matter. I hold no brief, I speak for no one. Rather, I find myself in that lonely area of the human condition where I am compelled, simply, to speak.

It is true that my actions and my thinking have separated me from the main of the social scene and of society. I am, nonetheless, a part of the whole and will be known as both citizen and criminal.

I am not remotely interested in gaining humane and kind treatment for the felon. I do not make any plea for a new and more liberal justice, or a system that will assure them and protect them. I am not even interested in a form of revenge on the persons of society, who I know as my keepers, who have demeaned us, abused us, deprived us. It is enough that I will remember them all the days of my life, and will call them society, and thus turn from the whole, even that part of it which is good.

You will find no heroes in felons' cells, and I am a member of that breed. I have no loyalty to any individual. I believe in no man. I am truly alone, and, more, I believe that I always shall be.

But I believe in our system. I believe that, though we may destroy ourselves through the forces of whatever it is that motivates us, we are a part of the system, and when we allow the system (and one may call it social or political, whichever you choose) to be demeaned and humiliated by a cabal of men, or a system of institutions, we endanger the very fabric of what we believe in, and are part of, in short, society itself.

The part of our society known as Toronto does not deserve the Toronto

Prison. It has not earned such a blight on its good name, nor does it deserve the petty machinations and neglect of public responsibility by their political representatives, who have vacated their authority and responsibility and have done so with intent, and high disregard for their Office.

So I speak for the system, and, in a way, the good people of Toronto, of Ontario, who also believe that our system of social justice and responsibility is such that every one of us must rise above mere self and speak and be heard, when the system is challenged, neglected, or abused.

Allow me, once again, to thank you for the privilege of submitting this brief, and it is my hope, Sir, that, in some way, it may advance the cause of human justice, but the fact that it will be heard and judged by honest men, by good men, is truly more honour than I deserve.

THE TORONTO DON PRISON

Its status is that of a holding prison, and, subject to the will and the authority of the Department of Correctional Services, it attempts, in spite of the plant itself, to fulfil its function and its purpose to the community by receiving all those subjects that stand before the authority of our courts, or those that are there waiting transfer to other institutions and psychiatric hospitals and clinics

It really is an anachronism, outmoded, decrepit. It staggers along from day to day, outwardly fulfilling its responsibility but totally unable to maintain any standard, handle its work-load, or make its proper contribution to the legal and social agencies within the community that depend on it for its service and the assumed standard of care and treatment that it is expected to maintain, under the authority and according to the regulations laid down within the Reformatory Act and those laws of the community that are in existence — simply because our citizens do have standards and do believe that our public institutions are, in fact, an indication of our standard and requirement, not only of institutions but of the whole broad spectrum of social contribution. The Toronto City Jail betrays this trust and it does not maintain any standard that any responsible member of the community would approve or support.

Designed presently to accommodate around 500 inmates at its fullest capacity, the institution, more often than not, will contain inmate populations touching on 1,100 [sic] individuals. Every service and responsibility of the institution groans, and quite often breaks down, under the incredible work-load that this sort of overcrowding involves.

When you first enter the prison as an inmate, the first impression that you will have is the impression that never in all your life have you seen such filth, and what first appears to you as neglect is in reality the condition of property or fixture that is constantly in use, and never serviced or replaced.

The air is inundated with a rancid sour stench, and it is not long until this

odour will settle around you and inundate your very tissue, and as long as you are in the institution you will be aware of it.

The prison is totally infested with rats and mice. They come out at night when you are in your bed, like moving grey shadows that creep along the floor, they pour across the floors, crawl up the legs of the tables and the benches, and run along the rusty pipes that follow the walls and the corners of the prison. No one can escape their presence. You smell them, you see them, and the young men who no longer can stand the deadly routine of the prison invent schemes of trapping and killing them, and when one of the youths catches one he is applauded and a group will gather around him, making suggestions as to the best method that can be used in the execution of the poor unfortunate rodent.

But when movement starts again in the early morning the mice and the rats retreat to the sanctuaries that they have found, and the cockroaches take over, and braver insects it would be hard to find; they really do possess the Toronto Prison. A running contest is always enacted by the inmates to get to their food before the cockroaches arrive in the vicinity. They are in every crack and in every fissure of the prison. It will be impossible to eliminate them. The walls are inundated with their eggs. They are in the tables and the benches, they fall on your person from the roof, and they crawl over you and drop on you when you are abed at night.

Each corridor is so constructed that it can accommodate 18 men, that is to say, 18 cells are in each corridor, and there are 16 corridors in the old section of the prison. Some of the cells can accommodate four men, although it is true that they were constructed to hold two. The majority are created to contain one man. A cell contains no toilet fixtures, no sink, no commode, no light, no furniture (chairs or tables). It has only a cot, and a white plastic pail that is used for toilet purposes. In those cells where two double bunks have been placed so that four men may sleep in them, there is still only one bucket, and the stench that rises from these buckets is one of the major influences of the overall odour of the prison. They are never cleaned properly. Added to this, the stench of the bedding (blankets are washed twice a year [sic]) makes it almost impossible to sleep at all.

When the doors of the cells are opened at night just before you are locked in them, you stand at the end of the bed and you make it. They are so narrow (the cells) that you are not able to stand in the cells and make the bed at the same time. You go to the sink and you have that last drink of water and use the toilet for the last time, and then you enter the cell. If you are lucky, you will have a single cell, but if you are in a cell where three other men live you will walk in between the beds sideways, as that is the only way that you can enter the cell, and you quite likely will fall on your bed sideways and with all your clothes on (except your shoes) and you will spend the night hovering between sleep and awakeness.

It is at this time that men lose all hope. They slash their wrists, hang themselves. More suicides and attempted suicides occur in cells in the Toronto Don Prison than in any other area of the prison.

In those cells where more than one inmate sleeps, rape and homosexual

assault are not at all uncommon, and it is to the everlasting credit of the prison and its staff to note that they do make every effort, take almost every precaution that they can, to prevent this sort of thing from happening, but it does happen, and the victims rarely say anything about it, simply because they cannot recover their lost virginity; but if they say one word they will be marked as informers, and nothing in the prison or criminal culture is more hated or reviled than an informer.

When you leave your cells in the morning at 7:00 a.m. you have your breakfast, and if you are not going to court you spend about 20 moments cleaning the corridor, and then the rest of the day is spent in that same corridor. There are only two tables that sit 12 men and four benches that hold 10 men. You will spend your days lying on the floor, and if the corridor is not too crowded you will be able to walk up and down in the floor space that is not occupied by some other inmate that is lying in the area reading, or just lying there waiting for time to go by. You will be allowed to go to the recreational yard for periods of 20 moments or more depending on if officers are available for this assignment, and more often than not they are not available.

One toilet and one sink are the complete toilet features of each corridor, and these must meet the needs of anywhere from 18 to 80 men. If you are in the court corridors it is not at all unusual for 80 men to be assigned to that area, and you quite likely will spend at least one day in such corridors every week, for if you are on detention hold and have not made a plea you will go to court every week. It is not at all out of the ordinary for men who have more than one charge heard in various court rooms to spend all court days in this area. Many of them, to escape further mental suffering and physical duress, will plead guilty to charges simply to escape further mental torture and humiliation, and will then be sent to other prisons.

To suggest that only in the court cells does this sort of inhuman care and treatment occur in the prison is simply not true, for the fact of the matter is that, when the prison is crowded, not only are the cells filled to capacity but cots are set up in the corridors proper and men are assigned to them to sleep. Most of the persons so assigned are petty criminals and those persons who appear to be alcoholics or of the vagrant class, and their health and physical condition, to say nothing of conduct, present a real morale problem for those that have to live with them.

Three rooms known as hospital dormitory areas are also situated in the old prison, and one of these will be found on each of the landings in that section of the old prison, directly opposite the section wherein the hospital clinic is to be found. It is here that the sick and the infirm are kept. It is true that they arrive in these units on the medical officer's orders. It is not true that the hospital is responsible for the housekeeping or for the supervision of the inmates staying in the area. That is the responsibility of the officer in charge of the unit general.

No other areas of the prison, and that means all the prison, are in such a state of filth, of neglect. Beds are jammed into the area until the space allotted for five men will have to accommodate 10 or more. No room exists

between the cots to stand up. Bed linen is changed only once a week, and you may be sure that the sheets on your bed will be stained and matted with human wastes, and the pus and matter that has [separated] from the sores and the wounds of the man that occupied it before you [sic]. You dare not ever take your clothing off. The baseboards of the woodwork are lined with holes and cracks through which the mice and the rodents come to infest the area when the lights are put out at night.

Time and again, I have heard Dr. Dickinson plead and beg the inmates to try and maintain some level of cleanliness. I have heard him threaten the officers with reports unless they assume their responsibility and at least try and clean the areas up, but no one seems to be any longer interested in making an effort, and so his attempts at trying to establish some sort of a standard of cleanliness fall on deaf ears.

On the top two floors of the old prison, that area designated as the annex is in existence, and though it is true that to be assigned to the corridor area is very hard indeed, to be sent to the annex and not be an alcoholic or a vagabond with no standards at all, is to reach the very bottom of human existence in an already accepted cesspool of human habitation. It stinks with human bodies still there, and all of those that have been there and are now gone. Without proper ventilation, it reeks and swelters in the summer, and you freeze and huddle under blankets in the winter. Few cells are in this area, and those that are, are always used for inmates on protective status, and no other group in the prison general suffer worse hardship than these unfortunate people.

I do not intend to involve myself or to inflict the Commission with opinions of what the term protective means, or what standard of care and treatment they are entitled to. Suffice to say that they have not violated any of the rules of the prison. Most of them are there because the offence that they are charged with may not be approved of, or supported by, the inmate population general (rape, child-molestation, giving evidence, that is to say, crown witnesses). Such individuals as these, as a rule, must be kept in areas of the prison where no other inmates may come in contact with them. They spend their days locked in the described cells without lights or toilet comforts and with all the dirt and filth that is native to this part of the Toronto Prison. If the purpose for their having to be in this area was served, and they were apart from other inmates, then one could understand their having to be there, but such is not the case. Every inmate that lives in the annex section has to pass by them to go to any other part of the prison, and so they are subjected to humiliation, taunts and horror-laden threats that do nothing for their peace of mind; and, ironically, all of the persons assigned to this status do not belong in this area. Now and again, inmates who are a threat to the general elan of the prison, who establish trends of confrontation with the administration, and who are imitated and respected for their strength and courage, quite often will be put up there and kept there in spite of the fact that it will demean them in the eyes of the prison population, and will so humiliate and degrade that few of them ever recover. But, sad to say, they react to the whole traumatic affair with hate and a blind unreasoning indictment against society as a whole. Quite likely the alienation is so fixed,

so polarized, that no one will be able to ever approach them again and hope to establish rapport, or help them on any level of reformatory attitude.

THE MEDICAL CLINIC AND MEDICAL SERVICES

I have always been highly skeptical of men of good intention, and I suppose my life-style, the criminality, the drug addiction, have made a contribution to this attitude. Nonetheless, in my own time and within the convictions of my own living, I have learned that all good men are not necessarily what they appear to be. One can hardly say that the medical staff of the Toronto Prison are not good men and women. By the same token, if one judges by the contribution that they make to the community and the manner that they project in their service to the men and the women who come to the Toronto Don Jail, one has to admit that good men and women are not always to be found in the shadow of churches or in the missionary services.

No other group, no other representation of any opinion within the prison devoted to convincing people that they serve without motive or hope of recognition, serve and contribute with a greater degree of selfless application to their work than do the medical staff of the Toronto Don Prison.

The medical clinic is also located in the old section of the prison. It consists of two doctors' offices, a nursing office and a large waiting room where inmates on sick call or down for treatment to the clinic wait their turn.

Every person received into the prison passes through this clinic, and every inmate is subjected to a physical, and if they are ill or in need of any kind of medical treatment or help, this is freely given. Almost every illness and human affliction within the human spectrum comes to light here, and all that can possibly be done for them is done.

The nursing staff carry out and administer treatments ordered by the doctors. This always involves a therapy that means an administration of a drug that will be given three or four times a day, and so the nursing staff must deliver this type of treatment to wherever the sick inmate is housed. They are on their feet all day and forever walking.

All the hospitals in the city receive sick inmates, both on in and out clinic status. Many inmates are sent to these hospitals for surgery and for all kinds of treatment therapies, and, if it is required, the best specialists in any of the areas of medical and surgical service are on call and do service and care for the ill inmate.

Once an inmate has been sentenced, he has his second physical, and this, with a survey and detailed description of all treatments and opinions that have occurred or accumulated regarding him, will be forwarded with him to whatever prison he is to be sent to serve his sentence.

The medical clinic is the only part of the old prison that is clean. It cannot escape the infestation of both mice and cockroaches, but its standard of cleanliness has no equal anywhere else in the old prison.

THE NEW PRISON COMPLEX

Outwardly, this area of the prison is all that the old section of the prison is not. It is clean, never overcrowded, and the morale is much better than that of the older section.

It is in this section that whatever classification of inmates is applied to the population general is applied. High security risk inmates are nearly always kept in this section. The psychiatric unit is here (1st floor) and nearly all persons who are homosexual or are in the prison on sexually slanted charges are kept here (except those that are locked in cells in the annex). Each floor of the new unit has separation (hole) cells, and all inmates who are in offence, or so sentenced, will serve their sentences in this unit, but it is in this area that most of the acts of brutality do occur. The food service in this section of the prison is of the highest calibre, [with] heated trucks for each floor and a tray or prepared plate for each inmate.

Each unit, or floor, if you choose, also contains separation rooms where one may be interviewed or talk with one's legal representative, and the rooms are private, and there is no distraction. On the second floor, across from the interview section, are the visiting units. These are high security class-divided sections, with telephones on each side of the glass through which one is permitted to talk to one's visitors.

THE SEGREGATION CELLS, OR THE HOLE

On each floor of the new unit, and out in the area that is commonly called the landing, behind the interview units and totally separated from the four corridors that comprise the full unit, one will find four cells.

These are the segregation cells, and, unlike the segregation cells in the old section of the prison, these are clean, and they are exactly the same as all the other cells in the new unit except that at least one on each floor is without toilet fixtures or a sink, intended as a psychiatric observational cell [sic]. They quite often are used as punishment units.

When an inmate is placed in the segregation area, he is stripped of all his issued clothing, deprived of reading and smoking material, and is put in one of these cells for the time that he has been sentenced to serve in the segregated area. He does not ever have contact with anyone but the security officer [sic] who is in charge of that floor within the unit general, or the floor in the new unit of the prison that is a separate and complete unit consisting of four corridors or ranges.

On the surface, this appears to be the prescribed care and treatment of those inmates that are placed, by reason of default, or protective status, in these units. If this routine was followed, one could hardly complain. Certainly, one may debate the need for segregated units within a modern prison, or a prison that follows a more progressive system of care and treatment.

The fact of the matter is that no prison in all of Canada is without a "hole" or, if you choose, segregated areas, and the Toronto Jail has more than its fair share of such units.

This is what really happens when a man is taken from a unit general, or a corridor, or a range, and is placed in the segregated areas, and of course there are variations; but this, as a rule, is what happens, providing his removal is the result of an infraction, rather than having to leave because he needs, or is placed on, a protective custody status.

He will be forcibly removed from the corridor that he is in (provided he does not come to the segregated unit from the defaulters' hearings, or court). He will be taken out to the segregated unit and stood against the wall and ordered to strip. While he is doing this he will be baited and he will be taunted. He will be physically assaulted, and if there are more than two officers involved in the admitting routine he very well may be thrown into the cell in an unconscious state.

Officially, no man is supposedly ever to be placed in the segregated units without first being seen by the doctor, or the trained and registered nurse who happens to be on duty. This rarely happens during the inception period. The inmate is simply removed from his unit and placed in the segregated area. The nurse or the doctor may see the inmate when they have occasion to visit that part of the prison.

He is without clothing (a canvas shroud is given him) and he will be without bedding (a blanket will be given him, when the rest of the prison are locked into their cells at night). He will be very cold, as the temperature of the cells is geared for the comfort of those persons who are wearing clothing, and who enjoy freedom of movement. (I have heard it stated that the temperature is kept low so that the incarcerated inmate will feel discomfort. I have never been able to verify this; indeed, I am inclined to think that it is not true.) No sound is ever heard by the incarcerated inmate, unless something is happening directly in front of his cell, and the only furniture in the cell is a solid sheet of steel on which he must lie to sleep.

It is during this period of time (that is to say, after he has been admitted to the segregation cell and is apart from all the other inmates) that the most shameful and uncalled for, indeed, animalistic and inhuman brutality occurs.

It is not easy to remain impersonal, when one has intelligence and also has a responsibility to present a condition, or a pattern of conduct, in a way that will not be coloured by one's own conviction and feeling. So it is with me presently. All my life I have been confronted with the shattering conviction and realization that a very thin line divides man from the predatory animal of the jungle, and when I was younger I used to think that man, in his search for a reason for existing, went down many of the dark paths of human infamy and action in his search for identity or justification for living. Times without number, when I was young and without understanding, I would find myself at the very crossroads of sanity and insanity, because I could not understand man's inhumanity towards his brother, and times without number I would mourn my lack of perception or my inability to justify an inhuman action, a charade of brutality, and I would often wonder about Man . . . not only the world's victims, but also the tyrant, the human brute,

and long before I knew those forces and their meaning and influence on the human animal, forces that twist and choke the good, and the high compassion of the normal man, I tried to find some of the answers in the actions of both "the good man", and the "felon".

I soon gave up. I eventually arrived at that place in my interrelations with other men where I no longer was confounded or shocked when man's inhumanity to man would frighten me, or shock me. I have never understood, and I have indeed tried to, why it is that good men, respected men, and especially men who are in authority, will lend themselves to the laws and the actions of the brute, or why it is that, for a time, they will descend from the civilizing forces that they support and believe in and will lend themselves to human actions that must surely betray their standard, afflict their memory, and make their nights nightmares.

It is within this area of thinking, and according to the conclusions behind such reasoning, that I assess the brutality that I know exists in the Toronto Jail. I wonder, when two or three "good" officers meet within the confines of the segregated units, apart from the rest of the prison, [and] do open the cells of the men who are sentenced to that area, and do assault them with force and insult; then, having accomplished so shameful a charade in inhumanity, do go away, and leave the demeaned and injured human being behind the locked door. I no longer wonder about the victim, the felon in the hidden and segregated cell. But I do wonder about the good men, and what it is that motivates them. Why this personal and savage action? What is it about the prison that so demeans them? And do they not realize that once they lend themselves to so shameful a human action they are forever diminished as human beings? I surely do wonder.

THE PSYCHIATRIC UNIT

The psychiatric unit is assigned to that area in the new section of the prison that is known as 1A. Most of the residents who are assigned to live within this area are, as a rule, awaiting transfer to a psychiatric hospital or clinic. As well as this, many of them are on an observational status, so ordered by the courts.

All of them are on psychiatric control status, and thus all of them are kept confined to their cells, at all times, except for the twenty moments that they are allowed out of their cells and into the supervised recreational area. Now and again, some of them will leave their cells to go to the medical clinic for treatment, or they may be accompanied to the visiting area when they have visits.

An opinion is bruited about the prison that the drugs and the chemical substances that are used in the care and the treatment of the psychiatric inmates often addict them. I am indeed happy to say that I have not been able to find one shred of evidence that would indicate that this is so. On the contrary, I was able to establish for my own peace of mind that all of the

drugs that are used in the unit were drugs of the tranquilizing class, and I need hardly say that these are not addictive. . . .

Nor have I been able to find any evidence that the mental patients in that unit are subjected to maltreatment or brutality. I think that this quite likely is because the area is under an almost constant supervision by the medical staff. (No psychological or psychiatric staff are on the daily or current staff of the Toronto Jail.) Also, outside observational authority will be seeing them from time to time, and if they are bruised or appear to have sustained an injury, questions that might prove dangerous for the staff may be asked, and so a damper is applied to those persons who might abuse them.

Besides this, I think that the administrative staff of the prison do show discretion in the selection of those officers that are assigned to work in that area. Although it is true that I have heard that inmate orderlies sometimes do get out of hand, and do worry, tease, and assault patients, intervention by the staff, should such a thing occur, as a rule prompt and decisive.

Few residents remain in this area for long periods; as soon as the observational period demanded by the courts has been satisfied, or they are termed "sane", they are returned to the population general.

The Toronto Don Jail can no longer function as a holding prison until the Department of Corrections clarifies a proper system of staff assignment and training that will enable those individuals so assigned to function within the prison, knowing that they will have the support and the help that is needed to properly fulfil their responsibilities and to do so within the framework of the Reformatory Act and the laws of the community.

Certainly, of all the problems that do afflict and demoralize the present staff, nothing so intimidates them, or confuses them, as the apparent lack of communications that appears to exist between the Department of Corrections and the administrating and security staff of the Toronto Don Jail.

No one thing is responsible for this. Certainly, one would be very brave indeed were one to say that certain characteristics of the prison climate destroyed the elan or the standard of function that one expects of public servants. The truth of the matter appears to be the influences of not only the prison itself but also the lack of understanding within the department of the changing responsibilities that accompany the new patterns of criminality, and the type of new inmate that is involved in the actions of crime, and just what the demands are on the security of the Toronto Prison, to contain and to properly handle the individual, so involved in this type of crime and criminality.

Besides this, new standards in the care and the treatment of inmates within prisons have undergone radical changes. The harsh concept of care and treatment that was and is so native under the punitive system simply will not work any more. It simply is no longer feasible to expect any officer working within a prison (such as the Toronto Don Jail) to function as a totally unrelated individual to the pressures of the prison, only present to lock and to unlock doors, to count, to punish, to be that harsh, ever-present and watch-in symbol of the society that the prisoner is already in conflict with.

The truth of the matter is, the officer is very much a part of the prison climate. The same pressures, and a great many more that the responsibility

of being an officer on the staff of the prison inflicts on him, are part of his economic and emotional burden; and add to this the responsibility of maintaining the order of the prison and the safety of not only himself and his charges, but also of his fellow officers who may be threatened or in danger....

When one considers this condition in relation to the supposed acts of maltreatment and brutality that allegedly occur in the Toronto Prison, and one is aware of the overwhelming number of officers suspected or accused of such action, a very real possibility can exist that such action would never have happened or that the officers would never have lent themselves to such actions if they had not been new officers, or had they had training, or had [they] not been left to make such dangerous decisions without the help of trained staff to guide and to help them.

Of course, that is hypothetical. The fact of the matter is, that the majority of the officers so involved are ill-trained, quite likely newly come to prison work, and forced to assume responsibility for inmates in parts of the prison that are isolated from other members of the staff (locked units) and, under the pressure of threat or group confrontation, react to danger or indecision violently. And while it is true that this is rare, the condition that gives birth to such prison drama is very real, and the average inmate (especially if he is not recidivistic, or is a first offender) is quick to recognize indecision and lack of training on the part of the officer in question, [and] will create problems, and will challenge him and try him.

I am totally disenchanted with the general opinion that seems to be the accepted opinion, that the staff of the Don Jail are fully responsible for the conditions of alleged maltreatment or brutality that appear to exist there. Nothing could be further from the truth.

The average officer working in the Toronto Prison is not a brute, nor, for that matter, is he a far better man, morally or ethically, than any other man who is in any other part of the civil service, or a member of any other group of persons who are responsible for the care and treatment of other human beings. He, too, is a product of the very same society that produced the criminal. He, too, is subject to the same kind of social and moral problems that any other individual man in the community is subjected to, and, far more important, he believes, in exactly the same way that most of us do who are members of the so-called "permissive society" that violence is a very real part of all our lives, and that it is perfectly all right to indulge in it, to be part of it, especially when all the old standards and the accepted standards of personal conduct and responsibility appear to be bankrupt. He, too, wonders about the very same influences and questions of ethical conduct that every thinking person in the community worries about, is intimidated by, and sees so many of the so-called leaders and standard-setters of our life violating and twisting to suit their own needs or wishes.

He absorbs and propagates the same social opinions that are abroad in the community, and a case in point is the allegations that were made by one officer, Bennett, when he said that Mr. Davies was racially prejudiced, before the Royal Commission during his testimony.

The allegation in so far as Mr. Davies is concerned, I am not qualified to

pass an opinion on, but as to the existence of racial prejudice within the prison, it is a very real thing. It exists within the inmate population, and it exists within the staff, just as it exists within the fabric of our community life within the free society. One would have to be very naïve were one to believe that the Toronto Don Jail staff were lily pure in so far as passing opinion on racial problems and influences was concerned. . . .

The lack of a clearly defined system that would ensure an attitude of assurance both in their work and in their thinking afflicts the Toronto Don Jail officers with insecurity and fear. A clearly outlined attitude by the department in relation to the man working in the prison, and a defined system of information from the department, directed at the staff, related to new concepts of care and treatment and changing regulations – nothing that I can think of is so sorely needed as an information service and training plan indicating responsibility that will constantly reaffirm government standards and development.

Wage scales must be redeveloped to meet the economic responsibility of the employees of the department, financial aids and rewards could be established, directed at those officers who attend schools, take courses and training that will develop a specialization in fields that will benefit the service.

Any officer assigned to duty in the Toronto Jail should have been made thoroughly acquainted with the function and system of the prison before he is assigned. He most certainly should have had basic training in other prisons within the department's complex of correctional institutions. More, no officer should be assigned to work in a holding prison that has not had a thorough and a complete grounding in the basic requirements of servicing the inmate population, in processing requests of inmates in relation to legal requirements, social and health problems that need attention while the inmate is housed in the institution (Legal Aid, medical services, psychiatric evaluation) and all those problems that beset and afflict the inmate when he first comes to the institution.

Further, he should have ground training in the systems of individual observation and evaluation of the inmates in his charge. He should be made fully aware that, as a unit officer, it is his responsibility to weed those inmates out from the general population that may present security or conduct problems. And systems of classification should be set up in the prisons that will complement the responsibility of the officer staff and will assure the safety and well being of inmates in said officers' charge. Further, no officer should be expected to work apart from the officer staff or security elements of the prison (alone in closed units). Nor should any group of officers, or individual officers, ever be expected to work in any section of the prison without constant supervision and control by a senior and trained officer of the security branch of the prison.

The whole concept of classification, in so far as a holding prison is concerned, should be re-examined; indeed, holding prisons must assume a greater responsibility in the field of classification, especially in view of the fact that they now service and populate satellite camps (in the case of the Don Jail, they service and assign all inmates sent to Camps Hillsdale, Henry, and Dufferin) and no system of classification exists in any of these camps. Thus,

a system of classification in depth is badly needed, and that would have to cover not only the security of the holding prison but the basic requirements of inmate classification that would be the basis for continued assessment and classification in whatever prison the inmate in question is assigned to, should he be sentenced to a term in prison.

The classification service and function of the prison can also serve the needs of the courts and those departments involved in the legal litigations around the subject. Pre-sentence reports can be greatly aided. Judges and Crown prosecutors would certainly find impersonal and institutional assessment records based on the full case histories of the subjects, of great value, and, though it is true that the prison must not concern itself with the legal aspects of decision or qualification, any information based on personality, work ethics, or psychiatric or pre-prison history would only serve the interest of the inmate himself.

When the Toronto Don Jail was transferred from the control and the responsibility of the City of Toronto to that of the Department of Corrections of the Province of Ontario, the department erred in its opinions and assessments of the staff problems and standards; as an example, many of the old line officers who chose to remain in the service under the control of the Department of Corrections, found that their wages were frozen until the officers serving in the provincial institutions reached their levels. Pension rates were readjusted to meet the standards of those already in function on the provincial levels. This really was one of the main points of contest that were the basis for that first work stoppage (staff) that occurred shortly after the transition occurred.

It was during this period that much of the interdepartmental conflict began. Old-line officers that had served in the prison (Don Jail) while it was a part of the city authority felt that their contribution, indeed, their training and skills, were being frozen or downgraded to adjust to the standards of the provincially trained officer. They also resented the fact that those officers drawn from the provincial pool, and assigned to the Toronto Don Jail, were not trained to handle the problems that are native to holding prisons, and the responsibility of their training fell on the old-line officers that had worked for years within the holding prison status, and who, in turn, had very basic ideas of the responsibilities they would be saddled with, should the department choose to transfer them to a correctional institution or reformatory.

The Department of Corrections, fully aware that old-line officers felt that they were being exploited, made no effort to correct the situation, and it has carried on through the years until at last they have instituted a new concept in training and teaching the probationary officer that may indicate a new sense of responsibility, which they certainly appear to have lacked in so far as holding jail staffs are concerned, or that their (the staff's) responsibility entitles them to.

Most of the old-line officers (that is to say, those officers that originally trained in the prison, while it was an appendage of the city) are now gone. Many have retired, others sought employment in other fields, but the divisions that made themselves known (staff-wise) are still felt within the prison proper.

BRUTALITY AND MALTREATMENT

The allegations that were first made to the Department of Corrections by Gary Dassy and Jane Mannerholm have been well investigated by the Royal Commission and so need no further comment by myself. However, if the allegations made by the many witnesses that have appeared before [it] and given evidence that might bear such allegations out, or prove the allegations to be true and factual, then it is the duty of those persons interested or involved in the administration of the prison, and the department that has the responsibility of administering the Toronto Don Jail, of finding out the causative factors responsible for such action on the part of security officers employed in the prison.

Such being the case, and without any intent on my part of attempting to interject unheard evidence or opinion . . . it is much simpler for me, a former inmate of the institution many times, to fall back on my own observation, to assume that the Royal Commission will find that acts of brutality have occurred within the confines of the Toronto Don Jail, and that, further, it may be possible that the Commission may arrive at the conclusion (and I hope that they do) that such acts occurred by a very small minority of the staff and that those persons committing such action did so knowing that very little would be done should their action become institutional, court, or public intelligence.

If one is to be influenced by the history of the Toronto Don Jail, then one will be convinced that brutality has always been part of its background. One could also assume that society, knowing of this, has chosen to ignore, to tolerate, and in a sense to justify its existence within the prison influence.

Be this as it may, the fact of the matter is that when two members of the staff charge the institution and its staff with following and indulging in acts of brutality, society, no longer able to live with its own lack of responsibility, or secret intelligence, chooses to examine the interesting allegations and to do something about them.

How very handsome this is of the society, and how very sensible they appear to be. But I am not at all sure that they realized that whatever was happening in the Toronto Don Jail was, in fact, an indictment against the society that maintains the prison, [and] was, in fact, a searing challenge to their sense of right, and responsible citizenship, and, more, forces them to re-examine the moral proposition advanced by some of the witnesses that have appeared before the Royal Commission, and have freely admitted that they have used violence against inmates when they were threatened, or the inmate was in flagrant violation of certain rules of the institution.

The interesting thing here is the assumption that under certain conditions they are permitted to use force, to even assault, and to injure inmates in the performance of their duty. . . . An assumption has been made that it is legal to injure in the performance of duty, that the only terms of judgment that an officer has to guide him is the fact that he may feel that he is threatened, or that the inmate is in violation of a regulation and will not adhere to orders, and therefore the officer in question has the right to enforce his orders with

physical assault and violent force. . . .

Is it not a fact that our Criminal Code clearly states that assault is a violation of the Law and the only justification for it will be found in a direct threat of physical assault? . . . Nowhere in either the Criminal Code or the Reformatory Act does it state that any officer has the right to physically assault because an inmate appears to be intractable or refuses to obey an order. . . .

Clearly, the right to use physical force under certain conditions, within the institution, and by members of the staff, should be, indeed, must be, redefined and clarified, and any member of the staff that goes outside the terms of control that the Department of Corrections hopefully will redefine must also understand that it is a criminal action that he is lending himself to, and that he invites criminal prosecution, and, if found guilty, is subject to the will of the court and instant dismissal from the service.

But far more interesting to me, and in my opinion far more pressing in so far as redefinition is concerned, is the allegation of maltreatment. One, I am sure, wonders just what does this involve? When is it justified, and what is an act of maltreatment? Does it have to be physical? And, if an officer is guilty of maltreatment of those persons within his charge, what are the control factors? How does one define it, in relation to his work and his responsibility?

Webster defines maltreatment to mean "to treat with cruelty/to abuse or to misuse". If this is so, would it not then be maltreatment to keep a man locked in a cell without the most basic comforts, and to tell him that he is there in that cell for his own protection, or that he is there because he has not obeyed the rules, or because he may escape? . . .

Brutality in the Toronto Don Jail has become part of its history. I have witnessed it, and I am not at all surprised or enchanted that society has rediscovered its sense of justice or right and appears to be ready to assume its responsibility and [is] correcting the situation. Rather, I am disenchanted with the assumption that brutality has quite suddenly reared its head in the Toronto Prison, and that "all" members of the staff are brutes and indulging in actions of maltreatment and brutality involving members of the residence.

The truth of the matter appears to be that the standard of treatment and care that has been allowed to exist, and accepted as being proper, is no longer proper; that indiscriminate use of segregation, restricted diets, brutality, maltreatment, are no longer good form or, for that matter, legally acceptable by the community general, and that it will now be the policy to hold the "whole staff" of the institution responsible, and, if need be, will prosecute them should they continue to follow the old system, and thus bring disrepute on the Department of Corrections. And the good citizens who have always supported the institution, and have blatantly chosen to ignore every grand jury report concerning the Jail, have never listened to the complaints and questions that have been time and again asked by the judicial authorities of the community, nor ever listened to the many times that private organizations from the very communities that used the prison have leveled scathing denunciations of every aspect of the prison and its services, and yet, no one

appeared to be remotely interested, certainly no one ever made a move to correct the whole situation, but, instead, defined it as a government problem and then forgot all about it.

Clearly, if one is able to accept this definition of how the prison degenerated to its present level, and is presently faced with the problems that it now faces, we must also accept the conclusion that the present conditions of the prison, and the conditions within the prison, are the full result of an uncaring society and community who have allowed the conditions and standards to develop and to exist in their midst as a public institution.

It is also fair to say that, if we really believe in justice, it would indeed be wrong were we to fix the blame for the present situation on the staff of the Toronto Prison, or on the inmates presently housed there. It would be very wrong, and dangerous, were we to suppose that the Royal Commission investigating it would be able to come up with some all-embracing solution that would relieve the community of their responsibility, and assuming that with such an opinion the whole problem would go away and we could forget about it, and that quite suddenly the Toronto Jail had once again become a past issue, and one to be forgotten.

THE NEW INMATE AND HIS CRIMINAL PATTERNS

Every person who reads or has a concern about the social scenes of our world has heard the term "prison personality", and I do suppose that many of us accept this identification of men and women in prison as being a true description of the type of individuals that go to prison.

It is not a valid assumption. Indeed, no such personality is in existence; as many personality variations will be found in the prison population as one will find within any other specific group within the human scene.

But, if this is true, then one must look into other areas of the society to find indications or patterns of similarity that might tend to indicate a sameness; or an intergroup action, or thinking, that might be thought of as native only to the criminally, or, if you choose, the anti-authoritarian, action pattern, or moral pattern, that one might tabulate as being that of a criminally pointed or orientated individual.

Jung and Adler imply in their psychological opinions that social pressures and demands will help to shape the personality structure. I cannot debate this. Suffice to say that it would appear that certain patterns of social conduct within the contemporary life seem to produce a larger percentage of criminally dedicated individuals. . . .

The moral confusion that is evident in the thinking and the actions of the "new criminal" (age group 16-25) is directly relevant to social confusion, and one can hardly dispute the claim that a breakdown in social and moral control factors is a reality of our lives today. . . .

We are a violent society. We deal in violence as though it were a right, and add to this the fact that our social patterns and actions would seem to indicate that we are also an immoral society. Certainly, influences and old institutions are breaking down. We no longer appear to be interested in the traditions of self and community responsibility and contribution. We appear to be almost morally derelict and, certainly, we almost totally lack a spiritual sense of direction and goal; and if we compare ourselves with other civilizations we will find that, endowed though we may be, how sadly diminished we really are. . . .

I have also thought, when I hear [people's] conversation putting down the society from which they come, justifying their withdrawing from all social identity and contribution, that they are really looking for justification for their attitudes. It's like a cry in the wilderness; they feel rejected, and so, in turn, they reject also. For me, it is only too apparent that this is the time to help, to save them. But before this can be accomplished, or even attempted, we have to understand the influences and the pressures that have brought this youth to this place in time, in his life. Why does he appear to be so violently opposed to order? Why are all his endowed and gifted attributes so sterile, before the force of his compulsions? Why does he protest so violently?

I am not alone, wondering of this. The good God-fearing people, slow of foot and dull of vision, wonder why violence now saturates our society and our world, inundating the very minds and consciousness of our youth. It really is simple. There is a violence in our world because we honour violence. Any man in a good suit can make his fortune by concocting a television show whose brutality is photographed in sufficiently monstrous detail. . . .

In the Toronto Jail one will find that almost all of the younger offenders are well grounded in drug abuse, or usage, but that is not to say they are all addicts. . . . I must bring to the Commission's attention that those individuals who use certain classes of drugs (such as soft drugs, speed, barbiturates, acid, grass, alcohol) are also very prone to commit crimes against persons, or crimes of violence. . . . [Other types] of drug users will involve themselves in crimes such as breaking and entering, fraud, theft, living off the avails (or, if women, prostitution); also shoplifting and all manner of petty crimes that involve the least physical effort or emotional stress. . . .

The first offender who comes to the Toronto Prison is in himself a social oddity. He is not motivated by the same desires. Economic forces that are a classic part of the older offender — economic independence — is not the first priority in his thinking. Many of them are substituting the sub-culture of the youth culture for the family group that they have rejected, and the prison quickly becomes the focal point, or the concrete womb, where they may run to when they are strung out, or hungry, or ill. The prison no longer is a social plague, nor do they consider it a social and moral indictment for having been there, or for returning.

To suggest that they are all violent is wrong; to suggest that they are all victims of a corrupt social system is also wrong. They are what they choose to be, and they will not change in their thinking until such time as they feel that they are no longer interested or involved in social protest or are a part

of that sub-culture of our world that we call the alienated. When the lines of communication with them are re-established by society general, we will have dialogue and debate with them, and hopefully, influence them back into the mainstream of human activity. . . .

SUMMATION

I should like to summarize the points that I feel are important, and I have also taken the liberty of making suggestions around certain points, where I feel that improvement and correction can be made, indeed, must be made.

REMAND AND BAIL COURTS

In all likelihood, the present section of the Toronto Jail, generally known as the old section, will be closed in so far as housing is concerned. One can also assume that as other prisons will be used for the housing and care of those subjects who are awaiting court action, or, all the other reasons that imprisonment is required before their cases have been resolved by the courts. And in making such an assumption one will wonder what the province will do to prevent the newer prisons from developing into prisons of the same calibre as the Toronto Don Prison presently is.

Nothing so maintains the problems of the prison than that system of process and reception, of those inmates who are still in the process of making court appearances, and those appearances that are involved in making "show cause or plea making", as this involves the transfer of inmates from the prison and to the courts, and then back to the prison again; and, as this routine may very well involve four or more appearances in the courts, and, adding to this the constant intake of new prisoners, the processing alone involves the staff of the prison in a never-ending procedure that often threatens the prison general with control breakdown, and a deadly repetition of procedure that is both antiquated and senseless in the extreme.

That area of the prison known as the old prison should be totally renovated into court rooms whose sole function will be bail hearings and the remand systems before pleas are made, and up to plea-making; and that section of the prison that is known as the new section should be used for the reception of persons coming under the authority of our courts [at the] time when the courts will set dates for trial.

No inmate should be kept in the prison longer than this period, and once the courts have established a date for trial, the inmate (unless he plans on making a quick plea) should be transferred to a holding prison [sic], and whatever prison he is transferred to should be held there until his court date arrives.

SENTENCED PRISONERS

All prisoners that have been sentenced and are awaiting transfer to provincial or federal prisons should be held in this prison, and while awaiting said transfer the basic classification data and examinational procedures should be instituted here. Such a system would eliminate the need for a full complement of classification staff in other prisons, as much of the more important detail work could be accomplished by the classification staff at the Toronto Prison.

Such a classification section, geared to serve allied prisons that will receive said prisoners from the Toronto Jail, can also serve not only the inmate but also the courts that sentence him, or decide what type of control factors will be needed in each case. Should the courts decide to return him to the community on probationary or suspended sentence status, in this area, the courts can be well served by being supplied the information that they need before they can reach such a decision.

PSYCHIATRIC PRISONERS

All inmates who are awaiting court decisions that are related to psychiatric influences, or transfer to psychiatric hospitals or clinics that will treat them, or having been committed by the courts to such institutions are awaiting transfer, should be housed here, in the Toronto Jail, under the strictest care and control systems that are required under the present laws and regulations that are part of both the Criminal Code and the Reformatory Act.

This unit should be under the full authority of the medical services of the prison, and said medical services should have full authority to draw upon those other sections and units of the prison [as will] facilitate the administration of the psychiatric unit. No security officer should have the responsibility of caring for, or the making of any decisions related to the care and treatment of, the inmate, other than those related to the security of the said psychiatric or suspected psychiatric inmate.

Should reception of the inmate into other psychiatric authority be delayed for longer than 30 days, he should be transferred to the psychiatric unit that presently has just been enlarged and developed in the Guelph Correctional Centre, at Guelph, Ontario.

HIGH SECURITY PRISONERS

All persons charged with crimes that are grounded in violence, or those persons known to the prison authority as persons of violent disposition or

action, should enter the prison under the highest security control factors that the law provides (within the law), and, as long as they are in the prison proper, they should never be allowed in the population general, until the courts have made a disposition in their cases.

No officer serving this section of the prison who has not had training in care and treatment of inmates beyond the probationary period should ever be assigned to work in this part of the prison, and unless he has had at least three years in prison work he should never be assigned to any unit of this section of the prison unless he is supported in his assignment by a highly trained and senior officer.

PROTECTIVE CUSTODY PRISONERS

Anyone asking for, or that . . . may suffer physical violence while living in, or being assigned to live in, any area of the prison, should never be allowed to mingle with, or be part of, any group of inmates that may assault him, threaten him, or intimidate him, because the charge that he is charged with may indicate a violation of the safety, rights, or person of other individuals (children). Nor should any individual who is homosexual, or so charged, or anyone charged with any kind of a sexual offence, ever be permitted to be part of the population general.

All persons that are Crown witnesses, or seem to indicate that they may be so, should automatically be assigned to protective custody status. All inmates that are jointly charged with other inmates, and have signed statements that may seem to, or do, incriminate their partners, should be automatically assigned to protective status. All inmates that are jointly charged with other inmates should never be assigned to live in the same areas, at the same time.

All inmates under the age of 21 and who are charged with their first offence and admitted to the prison for the first time, should, at all times, be segregated from the recidivistic inmate.

By placing this type of inmate within the status of protective custody, his safety, in so far as moral and ethical influence are concerned, should have top priority within the prison; it also protects him from sexual and personal abuse from other inmates.

CLASSIFICATION RESPONSIBILITY

I have already stated [my] opinion of the need for a fully developed classification and social service unit within the prison, I need hardly repeat myself. Within the summation section of this brief, however, I shall restate that the classification contribution to the inmate, and the responsibility to the prison

general, is such that the whole purpose and function of the department should be re-examined by the Department of Corrections and the provincial government.

If regulations within the Reformatory Act are needed to facilitate this service, especially within that area of development that may serve the courts or its allied services (parole), then such regulations should be clearly defined by the Department of Corrections and the provincial government that it is subject to.

I certainly do not have any quarrel with the calibre of people that are being hired and assigned to the classification department to work; rather, I quarrel with classification terms of reference and responsibility to both the inmate and the prison. I am disenchanted with the opinion that the responsibility of the classification department begins and ends with that length of period the subject is in that particular prison, or, that its only responsibility rests in an assertion of those qualities of the inmate that may present security or social problems within the prison.

Classification departments within prisons tend to be influenced or dominated by the prison philosophy that all inmates are legal problems, when, in effect, the legal problem that has asserted itself and brought the inmate to the prison, is, in effect, the end result of social maladjustment and alienation, and the real responsibility of the classification department must be an ability to point out to those interested parties the areas of the inmate's life and life-style that have to be redeveloped, or developed so that, if the inmate does have to leave the Toronto Prison for another prison to serve his sentence, then those areas of his problem will already have been assessed by the classification department within the Toronto Prison.

THE PROBATIONARY OFFICER

Any officer hired by the Department of Corrections to work within the confines of the Toronto Don Jail should spend all of his working probationary period employed and learning the care and treatment of inmates. He should learn this in a prison other than a holding prison, and his potential should be very carefully assessed by trained and disinterested authority before he is assigned to the sensitive area of prison work that entails working within the confines of a holding prison, such as the Toronto Jail.

One can hardly quarrel with the requirements that he must meet before he is considered employable material (education/citizenship/trades training) and certainly, if one is to judge the present calibre of officer in relation to the terms and standards that he must meet before he is employed, then one cannot quarrel with this. They are, as a rule, fully able to be made into good officer material and are willing to undergo the training and the responsibility that such employment entails.

The fact of the matter is that the Department of Corrections does not encourage further training of its officer material; indeed, as testimony indi-

cated, it is only in this last year [1974-5] that any effort has been made to further this proposition. . . .

Almost every charge of brutality or maltreatment that it has been the responsibility of the Royal Commission to listen to, that allegedly occurred in the Toronto Prison, has involved officers who had no training in any other prison other than the Toronto Don Jail, and all of them had, almost to the man, felt that they were justified in their actions because they were, or their fellow officers appeared to be, threatened, and they felt and do feel that such threat entitles them to take action that involves physical force that quite often is far beyond any need that the situation might present, or entail. Nothing has so impressed me, and, to a degree, confused me as the indications in some of the testimony given by some of these officers that might indicate that they were being less than truthful, or that they might have a bigger responsibility to the prison and department that hires them than they do to the community that pays them.

No other prisons within the complex of the Department of Corrections need qualified and trained men to meet the responsibility of prison care and treatment [more] than those prisons known as holding prisons, and no other area of such prison technique and system has been so neglected as that of those prisons within this status.

AN OMBUDSMAN

The Ombudsman Act [Statutes of Ontario, 1975, c. 42] has a clause within it [s. 15(1)] that states "The function of the Ombudsman is to investigate any decision or recommendation made or any act done or omitted in the course of the administration of a governmental organization and affecting any person or body of persons in his or its personal capacity." . . . I am of the opinion that the Department of Corrections needs such an authority and information source within its midst to act, not only as a control factor, but as a safety mechanism that is available to all persons concerned.

I do not believe that the Department of Corrections, under the present government, is guilty of irresponsible attitudes . . . in the performance of its duty; nor do I believe for one moment that the senior staff of the Toronto Jail are remiss in their responsibilities to those persons under their authority and in their care. But I do maintain that [there is a] shocking lack of a sense of responsibility to the community and to the people that employ them, insulated by the philosophy that regardless of what happens in the prison it will remain a prison matter, and that [no] outside influence will really affect them or influence them in any way in the performance of their duty as they see it, and [that] herein rests the real causative factor that has tolerated and in some cases encouraged acts of brutality and inhumanity on the part of a small cabal of officers that are a part of the Toronto Prison staff.

Our courts of law are also remiss in their duty here, and certainly must bear part of the responsibility in not meeting their obligations to any inmate

or subject who comes from the Toronto Jail and does complain that he has been subjected to assault while in the prison. It is the voiced indictment of almost all persons who have undergone this sort of traumatic experience that the presiding judge or magistrate will simply state that "this is a matter that concerns the Department of Corrections, or the Minister of Justice, and that the subject should make his complaints to the proper authorities".

If an Ombudsman were in existence that served the department and its complex of institutions that are under its authority, then all inmates subjected to the authority of the department would know that [if] any action on the part of any individual, or the department itself, violated the law or transgressed the rights of that individual, then said individual would have an authority to appeal to that would investigate, and protect the subject, and maintain him within the framework of our laws, against both the individuals and the Department of Corrections itself.

PUBLIC RELATIONS OFFICER [This is more applicable to the role of the Training Officer at the Toronto Jail]

Such an officer, or an authority of the prison, is needed simply to serve the . . . information responsibilities of the institution. As it is now almost any member of the staff may offer or give opinions in matters that relate to the prison and the stated policies of the Department of Corrections.

But, more important than acting as an information source of the prison for public media or individuals, his central function should be to serve the staff of the prison with all the information affecting the general employee, and all that information should be gathered from those sources affecting the employee, such as union, departmental regulations, health information, legal and court information affecting officer-inmate relations, and all those other areas of intelligence that affect, intimidate, or involve change in the system of administration or function of the individual officer, or the prison, or the Department of Corrections itself. . . .

[Mr. McCullough, in his brief, went on to comment on other matters, including the open-unit concept, the punitive system, and satellite camps. This material is available to anyone wishing to read Mr. McCullough's brief in full. It has been omitted here either because it is unrelated to the Commission's terms of reference or because it duplicates material already presented by Mr. McCullough in the earlier part of his brief.]

[In commenting on the satellite camps, Mr. McCullough referred to the lack of meaningful programs to occupy the inmates. This has been commented upon elsewhere in the Commission's report, more directly with reference to the Toronto Jail itself.]

[Mr. McCullough advocated the better use of satellite camps for what he termed "pre-community inductational services", commenting:]

I believe [it would be] a far greater service to the resident, and to the community that he will return to . . . should men who are finishing their terms

and are about to be discharged from whatever Institution they were in, rather than serving the complete sentence in a correctional centre [or an institution such as the Toronto Jail] that they originally had been sent to, be sent to one of the satellite camps, where pre-community inductual services should be implemented.

Any man that is discharged from the present correctional centre complex of the Department of Corrections leaves . . . to go back into the community with almost no money (only that which he has earned . . . in the area of thirty to one hundred dollars). . . .

He leaves the centre, after all this training, time, and money have been used and exerted towards his reclamation, without any idea of how to use what he has learned, he rarely has a home to go to, he is without family, and he is quite likely to be without any community contact or help . . . in this most difficult period of the whole prison experience. He quite simply does not know where to go or what to do, and quite likely (if recidivism figures are any indication) will gravitate back into the criminal sub-culture out of sheer loneliness, and only too soon, because of economic needs, will be involved in criminality again.

Satellite camps should . . . function to develop the community resources and potential for the good of the soon-to-be-discharged resident, rather than the camps being mere flophouses, for short-term subjects to serve their sentences, and go out into the community again as they had come in, totally devoid of any help, or, for that matter, any intention of ever making any effort, or entertaining any hope, of being anything else but petty criminals, caught in the undertow of institutional and community indifference as to the real need that might be an answer to their problems.

Satellite camps can fill this need; as an example, if a man has no employment to go to or home, they can direct him towards the services of half-way houses, they can fill the resident in with the employment needs of the community, and counsel him in employment systems and requirements that are the current need of the community.

If their money is limited, they can set up appointments for them with the social services of the community that they are going to; if they have had employment before they went to prison, then they quite likely have accrued benefits and it could greatly help if these payments were activated on behalf of the residents.

None of these services are given by any correctional centre [or jail] and it is an established fact that no other period in the whole prison experience negates the contribution of the centre that has been made during the term of incarceration, [more] than the pre-inductual period back into the community of the resident in question.

A Young Former Inmate of the Toronto Jail

(Received September 30, 1975)

[The following is excerpted from a letter received from a young inmate who was transferred from the Toronto Jail to the Adult Training Centre at Brampton. As a result of a discussion with this inmate during my visit to the ATC, he wrote to me, setting out some suggestions for improving inmate conditions at the Toronto Jail.]

The use of video tape movies and educational films on the T.V. sets would break the monotony and be more interesting than some of the programs they have to choose from. Card games are about the only other source of recreation at present and I am sure that games like "Scrabble", "Monopoly", and "Battleship" would help to pass the time and improve the social atmosphere.

I hope these suggestions will be of some help to you with your problem.

Stafford Lake

Inmate, Toronto Jail

(Received November 10, 1975)

The Royal Commission having been called and having given public notice of inquiry, and with respect to His Honour Judge Shapiro, and his stated aims in this inquiry, we find it appropriate that we tender information and relevant comment to the Commission.

It is not our aim or objective to detail specific acts of violence, but rather to detail and discuss those conditions that predispose inmates and guards to these conflicts.

With respect to the Commission, it is common knowledge and strongly laid out in the Canadian Bill of Rights that an accused person is to be presumed innocent until proven guilty in a court of law.

It is also further pointed out that "no law of Canada shall be construed or applied so as to impose [or authorize the imposition of] cruel and unusual treatment or punishment [Section 2, para. (b), Canadian Bill of Rights]." . . .

We feel that the viewpoint and emotions of an inmate can only be conveyed accurately . . . by an inmate or an ex-inmate. . . . We believe the causes of the discontents between inmates and staff may be divided into the following basic groups:

1. Lack of distinction between convicted and detained persons

An inmate . . . returned to the Don Jail with an attitude towards authority of hatred and disbelief is all too ready to resent a brusque order from a guard.

A detained person cannot, for any reason, be granted a leave of absence,

whereas a convicted person may, for sufficiently grave reason (such as family death). . . .

A remanded man, not yet convicted, has his home life, job, or business severely disrupted and jeopardized, and the jail is not permitted to alleviate this grave situation with improved communication and visiting arrangements.

The physical structure of the jail itself makes it very difficult to attempt any distinction between the two groups.

The organization of the jail makes it difficult to allow detained men their own clothing and toilet items.

The newly detained man has very often great need of adequate communication with the outside world. This is not available.

Telephone calls are made by staff after many hours of organizational delay, rather than promptly, in person.

Translation facilities are totally inadequate for an institution serving a polyglot city such as Toronto.

A prisoner may only have \$10 in his property. Any additional funds are held in escrow. A reasonable interest rate should be paid on such funds.

2. Serious lack of facilities

Grand juries for the past 40 years have made recommendations that the jail is overcrowded and lacking in occupational facilities. We endorse their recommendations.

Men who have to attend court have a ritual they must comply with – they are taken from their regular cell block the day beforehand, to the court cells . . . changed into their own clothes, without usually being allowed to shower. These corridors are overcrowded and men quite frequently have to eat their meals sitting on the floor. They are awakened at 5:00 a.m. the next day, given breakfast, shackled, and driven to their respective courts, arriving shortly after 7:00 a.m., to await a court appearance at 10:00 a.m., or later. This procedure is reversed after court. The men are held in grossly overcrowded corridors in the old wing and not given a mid-day meal until 3:00 p.m. or later. This process has been observed and condemned by past grand juries. In the last analysis, these are still innocent men. . . .

There is supplied one razor and one shaving brush between 18 men; not only is this unsanitary, but [it] also leads to arguments and disorders.

Cells are kept locked during the day in the new wing. Prisoners spend most of their day lying on the floor, or lounging at the table playing cards or reading. During this period, one toilet and one sink are used by 18 prisoners.

The highlight of the day is a 10-to-15-minute exercise period in the yard, whereas regulations specify a minimum [of] 30 minutes.

The petty rules at the jail regarding writing material are as follows: should a prisoner want to write to his loved ones, or lawyer, he must make a request to a custodial officer; then he is allowed two letters. Should he want additional material, this must be requested from the Superintendent.

Pencils are difficult to obtain and jealously guarded. The pen being used

to write this was obtained by application to a custodial officer, who referred it to a lieutenant, who was issued permission by the Superintendent.

The jail is severely understaffed and, as a result, a man needing help at night may be unable to get a guard's attention for 20 minutes or more. This delay could be fatal in the case of a heart attack or similar seizure. . . .

3. Attitudes: General friction between staff and prisoners

It is extremely difficult for a guard to understand and allow for the emotional tensions of a prisoner, perhaps just arrested or returned from a disappointing day in court or upsetting visit. This is aggravated by the random changes of assignment of guards. This makes it impossible for a guard to get to know a prisoner personally. . . .

While the lot of a custodial officer is not as bad as a prisoner's, nevertheless a tribunal should look into their working conditions. We believe that they carry too great a responsibility without sufficient authority to discharge it. The frustration this generates on both sides leads inevitably to disorder.

Prisoner confidence would be substantially improved by advance notice of inspector visits.

4. Poor communications with the outside world

In British Columbia and Quebec telephones are available to the prisoners, calls are monitored for the security of the institution, but not otherwise censored. These are analogous prisons to the Don Jail.

5. Visiting facilities

Studies made on the rehabilitation of prisoners show that visiting privileges play a dominant part.

Present-day prisoners are the unhappy inheritors of . . . super-security, looking at a loved one through thick plate glass and talking on a tapped [sic] telephone; frequently [this] produces irritation that is vented on the next prisoner or guard who offers a provocation.

No visits are permitted on a Sunday or a holiday or on a Saturday afternoon; this is blamed on insufficient staff.

It works a special hardship on visitors who must work during the week; as a result, some prisoners do not receive the visits which would contribute to their rehabilitation.

Present visiting facilities are also inadequate, consisting of 12 places available for a maximum of 22 hours a week; if used to the optimum this provides an average of 25 minutes per prisoner per week. Facilities at a federal penitentiary provide longer visits under more comfortable conditions.

To sum up, visiting arrangements are deplorable, being below standard

for convicted men in penitentiaries. Yet remanded men, innocent in the eyes of the law, are subjected to them.

In many parts of the world convicted men are allowed lengthy conjugal visits; a detained man, not yet convicted, might well argue that he should be allowed these privileges.

Elizabeth Fry Society Toronto Branch

(Received November 26, 1975)

[The brief of the Elizabeth Fry Society is concerned primarily with female inmates at the Toronto Jail. There were no allegations advanced by or on behalf of any female inmates as to unnecessary use of force. The only matter that came to our attention referable to female inmates was by way of a statement of C.O.4 James B. Brown that was filed as an exhibit and referred to his experience with female inmates at the Toronto Jail. The Commission, including its two counsel, visited the female section of the Jail accompanied by the senior matron, and we had an opportunity to talk with some of the other matrons. The very striking contrast between incidents arising in the male section and the lack of incidents in the female section could be explained by the relatively small number of female inmates, the higher ratio of correctional officers to inmates in the female section thus lowering the work-load and tensions of the correctional staff, the less austere custodial quarters, the greater opportunity for occupational programs, and the fact that the female correctional officers were not as physically oriented as their male counterparts. As recommended elsewhere, it is the opinion of this Commission that the use of female correctional officers in the male corridors of the jail would have an ameliorating behavioural result.]

The objectives of the Elizabeth Fry Society are:

1. The general purpose of the Society is to work in the field of corrections as it relates to girls and women.
2. Specifically, the society aims to demonstrate concern for the girls and women involved by giving immediate and practical help to them and by

assisting each one to develop her own potential, thus enabling her to function more successfully in society.

3. The basic, long-term aim of the society is to work toward the betterment of society in such a way as to reduce anti-social behaviour in the community through the development and maintenance of a program which will lead toward the attainment of that basic aim.
4. To do all such other things as are incidental or conducive to the attainment of the above objectives.

Since 1952 the Elizabeth Fry Society, Toronto, has been interested in demonstrating a concern for the woman offender. The society is committed to public action in the field of corrections and law reform. This brief is submitted because of this commitment to public action.

This brief is based upon observations and findings by volunteers and staff of the Elizabeth Fry Society during visits to the women's section of the Toronto Jail. As well, clients who have been in the Toronto Jail have been consulted. This brief is a result of their involvement in the Elizabeth Fry Society's weekly Toronto Jail programs.

STAFF

In the women's section, staff members' attitude is positive. The correctional officers are friendly and relate easily to the inmates. The staff seem competent in dealing with two important concerns in female correctional institutions – physical violence and lesbianism. Physical violence has not been noted, observed, or reported. Overt lesbianism has not been noted. Staff appear capable of dealing with the problem, when confronted.

The ratio of staff to female inmate appears dependent upon the size of the female inmate population. The greater the number of inmates, the greater the ratio between inmate and staff. What is the limit of this ratio of inmate to correctional officer? How does this affect the care? What staffing plans are there for the new women's section of the Toronto Jail?

While the competence of the correctional officers is not necessarily in question, we feel that the kinds of skills brought to bear in an institutional setting at present are primarily custodial. We believe that it is preferable for correctional officers to develop skills in human relationships and interpersonal skills than to offer purely custodial care. Are correctional officers actively sought with higher educational standards than those in the past?

Recommendations

To develop correctional officers' skills, we recommend that:

- an incentive plan be worked into the civil service pay scale for taking courses in psychology, sociology, social work, or criminology; and that

– a formal continuing program for staff development and education be implemented, e.g., current therapeutic techniques.

PROGRAM

The prime focus of the staff at the Toronto Jail has been custodial rather than rehabilitative. The majority of inmates are awaiting hearings, trial, or sentencing. A small percentage are serving their sentence at the Toronto Jail rather than at a provincial institution, the Vanier Centre for Women. If an inmate is transferred from the Vanier, she must serve her sentence in the Toronto Jail. Few programs are offered for these inmates serving a sentence of up to two years less a day.

Recommendations

We recommend that the Temporary Absence Program be used more to take advantage of community resources, either singly or for groups of inmates. There are resources in the fields of recreation, education, employment, residential, and therapeutical services. The community resources could assist in release planning, before and after an inmate's sentence has been served. (Expanding the Temporary Absence Program can prevent a person from being released, alone, on the steps of the Toronto Jail on a winter morning with nowhere to go and no one to turn to and with little money or proper warm clothing.)

With the staff in a custodial capacity only, formal programs that exist are dependent upon community individuals or groups. Any informal programs in the "recreation room" appear to be dependent upon a correctional officer's availability and willingness to supervise and monitor inmates in their activities, such as sewing, billiards, pool, ping-pong, record-playing, crafts, etc. We heartily endorse the proposal for a permanent staff person to be assigned responsibility for female programs in the "recreation room", to supervise and monitor informal leisure-activity programs.

What is budgeted for female programs at the Toronto Jail per inmate, per month, at the present time? Are pay incentives for work done or for behaviour (such as exist at the Vanier Centre for Women) applicable for women sentenced to the Toronto Jail?

Recommendation

We recommend that the same incentives apply at the Toronto Jail as at the Vanier Centre for Women for women sentenced to two years less a day.

What are Ministry of Correctional Services plans for the focus on and

creation of female inmate programs? Are manpower and budget restrictions inhibiting program development?

FACILITIES

Physical

The atmosphere of the women's section is depressing. Present facilities should be changed before the move to a new location.

Recommendations

We recommend that:

- the windows outside the corridors have clear glass rather than frosted.
- the painted walls be in modern, op-art motifs to brighten the institutional colours there now.
- that couches be added to the corridors for watching television, reading, reclining.
- that chairs and desks be added to the corridors for writing letters or sitting at when the “picnic” tables are used for card games.
- that several private showers be made available for inmates who are serving sentences at the Toronto Jail.
- that a recreation area be established for *daily* exercise and used for that purpose indoors and out-of-doors.

(When the Elizabeth Fry Society visits the Toronto Jail, one loses all sense of time, weather, and reality without windows. With no way to see the sky, trees, cars, people *outside*, anxiety and a “cut-off” feeling is heightened.)

What plans are there for expanding facilities in the Avion Motor Hotel by the Malton Airport for those held on immigration charges? We understand that when there is a surplus of women on immigration charges they are placed in the Toronto Jail, since they cannot be accommodated near the airport. These women are then mixed up with those on criminal charges.

Recommendation

We believe strongly that this problem should be brought to the attention of the Minister of Manpower and Immigration and a solution sought.

Medical

We understand that inmates with medical problems must report them each morning to the nurse who in turn reports them to the doctor. He then must

judge whether he should see that inmate. If someone becomes ill in the afternoon, she must wait until the next morning to request to see the doctor.

Recommendation

We recommend that more physicians be assigned to the Toronto Jail so that one is available and on duty around the clock.

Women inmates should also be able to choose between male and female doctors. Medication is prescribed and administered only after the Toronto Jail physician has seen the inmate and not upon the request of an inmate's personal physician.

Recommendation

Women who are picked up on drug or alcohol charges are not given prescribed drugs to aid in withdrawal. Some change in this procedure should be examined.

DENTAL

Adequate dental care is questionable. Denture fittings and extractions are the only dental care provided within the Toronto Jail. Fillings and more involved dental care are provided by dentists outside the Toronto Jail.

Recommendations

More dentists should be available within the Toronto Jail and their time should be allotted for more than one evening a week to the women.

How effective is the community dental care program? Can only sentenced females be sent to a community dentist? What guidelines exist defining the dental care for inmates?

PSYCHOLOGICAL

We understand that a psychiatric and assessment unit has been established which involves a team of psychiatrists, social workers, psychologists, nurses, and psychotherapists. We encourage the expansion of this service. At present there is one social worker who works part-time with the women's section and the community. More social workers are needed.

Segregation: Confining a woman to a small room is termed segregation. It is used for several reasons – drugs and alcohol as well as behaviour and mental disorders. When a woman is in segregation for emotional or mental problems, we believe she should not be left in confinement but should receive mental health care in a facility designed for that purpose. What are the specific guidelines for inmates being assigned segregation and the length of segregation?

COMMUNICATION

Telephone calls are made by the staff on behalf of the inmate. A message is passed to the inmate, and if she wishes to reply to the caller she must request another telephone call to be made. Language can be a problem. Messages can be incomplete and involved and not communicated fully to an inmate. Are translators available to aid in daily communications? Also, why are the number of letters restricted that an inmate can send?

Recommendations

Visiting hours should be examined. Many individuals work full-time and visiting hours are not realistic for those who have to fulfil other obligations than visiting a friend or relative. We recommend that weekend visiting hours be lengthened.

PERSONAL

Recommendations

Uniforms worn are drab and frayed. A greater choice of clothing should be made available. As well, clothing should be changed more than once a week. Undergarments have been worn by others and an inmate should receive her own. Undergarments should be changed daily rather than weekly. Is it possible for inmates to sew their own clothes, wear them in the jail, and then take them with them upon release?

Shampoo should be made available for *every* shower and hair-dryers installed as well as hair brushes made available. Deodorant is not supplied. Inmates must purchase their own – difficult if an inmate has no money in her “property” or can earn none. Cosmetics should be allowed on a limited basis, for morale if nothing else.

Prison Arts Foundation Brantford, Ontario

(Received October 8, 1976)

Over the past eight years, the Prison Arts Foundation has been involved with all adult correctional institutions in Canada, promoting the development of creative talents through an annual collection and exhibition of inmate art, and the publication of an anthology of writings.

Our program has proved effective on both sides of prison walls: inside, where the benefits of creative expression are evident, and outside in the community, where our exhibition generates a new public awareness of offenders and the penal system.

As a community-based program, Prison Arts is favourably accepted by inmates. We give positive emphasis to their talents and abilities and encourage this development.

Prison Arts is a self-help program, in which the inmate initiates and completes creative works as entries. The result is a sense of accomplishment, recognition, and possibly an award. A further result is often a renewed sense of identity, self-worth, and redirection in life.

"If it weren't for Prison Arts, many thousands of people would never realize that the 'residents' in here aren't just convicts: no-good robbers, killers, and other law-breakers. Prison Arts gives outsiders the opportunity to view us with a different eye, to see that there is some good in all of us, even if it's only through art. Art can be the best means of communication."

So writes one of our winning entrants whose talents have been greatly developed, and who plans to study art upon his release. His comments reflect the actual response of the public to every Prison Arts exhibition: the inmate is indeed seen beyond the context of "offender" and the citizen is stimulated to examine his opinions about inmates, the corrections system

in Canada, and rehabilitation.

Each year, thousands of entry forms are sent to inmates of all adult correctional institutions, inviting submissions in art, crafts, and creative writings. A qualified panel of judges decides the winners of awards and scholarships, which have been provided by many Canadian corporations. A selection of works is made for our annual exhibition, which travels to major cities and prisons throughout the country. Creative writings are featured in our annual anthology, *Words from Inside*, which is distributed widely to the institutions and the general public.

Our membership includes inmates and staff, corrections and government officials, and a wide representation of the general public. The institution officers who promote and assist the Prison Arts program inside are often involved in creative works themselves, and for the 1977 competition, we plan a special category for corrections staff.

A registered charitable organization, the Prison Arts Foundation is funded by the Canadian Penitentiary Service, the Ontario Ministry of Correctional Services, the Ontario Arts Council, the governments of British Columbia, Quebec, Manitoba, and Alberta, and various corporate and charitable donors throughout Canada.

Looking ahead to future development, the Foundation would like to develop a theatre arts program in the institutions, involving play-writing, production, drama, design, and all aspects of the art, culminating in a prison drama festival.

A major membership drive is to be launched this year, aimed at the formation of active Prison Arts groups throughout the country. Through citizen involvement in each area, greater inmate participation in our programs will be encouraged, community and provincial cultural resources will be more fully utilized, and the Foundation's recognition, visibility, and financial support increased.

We also hope to facilitate the sale of inmate-produced arts and crafts, develop indigenous native programs in prisons, and produce a Prison Arts journal for all members, associates, supporters, and participants, as a vehicle for writings on the arts, corrections, and a wide range of subjects.

As our operating potential increases, the Foundation can play a growing role in improving the climate of opinion inside and outside correctional institutions, and in providing opportunities for change to people in conflict with the law. The importance of that climate increases as the correctional process moves towards alternative sentencing practices within the community, and towards longer sentences through tighter parole regulations and the abolition of capital punishment.

The Prison Arts Foundation is dedicated to the development of opportunities for achievement through which inmates and others discover self-respect and dignity. Only through this self-growth do we learn respect for others.

Supplements



"Autumn's Silent Past", a painting by Lelon D. Lindsey, reproduced by courtesy of the Prison Arts Foundation, Brantford.

The History of the Toronto Jail and the Prison System

Samuel Taylor Coleridge, the English poet, wrote, "If men could learn from history, what lessons it might teach us!"

This being so, the following historical recounting of the prison system generally and the Toronto Jail in particular may indicate where we have learned from the past and where we have failed to do so. It may also assist in an understanding of the problems encountered by the Toronto Jail staff and its inmates, referred to throughout this report. At times, the very magnitude of the corrections field arouses doubts that solutions will ever be found to many of the problems. There is solace, however, in looking back on conditions as they were and noting the progress that has been made. True, there have been temporary setbacks, and many innovations have been tried and discarded, but over the long haul the efforts of concerned people have proven worth while. In the waiting room at the Toronto Jail, there is a wooden plaque made by one of the jail's inmates. It reads very simply and directly: "He has a right to criticize, who has a heart to help." The quotation is attributed to Abraham Lincoln.

I am indebted to Colin Honey of the United Kingdom Home Office, Prison Department, for providing me with a chronological history of the development of the British Prison System. This history, slightly adapted, is quoted in part:

In early times, prison was a place of safe custody until trial and execution, not a place of punishment. The common jail for each county was supervised by the sheriff of the county, who was the King's representative, and who appointed jailers to do the actual work. These jailers made the jails places of

profit for themselves by robbing the prisoners, selling liquor, and taking bribes. Most crimes were punishable by death.

The year 1576 marked the first appearance of the idea of reform. Houses of correction were set up under the Elizabethan Poor Law for the correction of idle apprentices, prostitutes, beggars, and other persons on the fringe of crime. The inmates were set to constructive work such as hemp-beating, wood-rasping, and weaving. Houses of correction were the responsibility not of the sheriff, but of the local justices of the peace.

Magistrates were authorized by Act of Parliament in 1720 to commit offenders either to the common jail or to the house of correction. Thereafter, conditions in the houses of correction became as bad as in the jails.

In the eighteenth century, there was no segregation of sexes, no classification of offenders, no separation of tried from untried, insufficient food and drink, almost complete lack of light, air, and sanitation, absence of washing facilities, no cleanliness of any kind, and a prevalence of typhus. Sale of spirits to prisoners was freely permitted, resulting in drunkenness, rioting, and promiscuity. There was unchecked extortion by prison staffs.

John Howard became High Sheriff of Bedfordshire in 1773. As a result of what he saw in his own county jail, he toured the whole of England inspecting the prisons, and in 1777 published his findings in a book entitled *The State of the Prisons*. He recommended:

- (a) the provision of secure, sanitary, cellular accommodation;
- (b) the separation of men from women and of debtors from criminals, and the classification of criminals according to their offences;
- (c) the introduction of useful labour;
- (d) the appointment of humane, honest, paid jailers and the abolition of all fees; and
- (e) prohibition of the sale of liquor within the prisons.

A 1784 act of Parliament provided for the separation of males from females and separate cells in all new prisons. It was generally ignored.

With the founding of the American colonies, it had become the practice for a number of prisoners under sentence of death to be reprieved if they agreed to be shipped out. Later, transportation became a legal sentence. With the loss of the American colonies in 1776, transportation ceased, and, instead, criminals liable to transportation were housed on prison ships, known as "hulks", and employed on public works, such as dredging rivers. These hulks became notorious for the bad conditions under which the prisoners lived. In 1779, an act was passed authorizing the erection of a national penitentiary for housing convicts, who were the responsibility of the central government.

Meanwhile, the discovery and colonization of Australia resulted in the re-starting of transportation – to the Australian colonies. By 1840, the Australian government had become extremely reluctant to accept any more convicts, and the number of prisoners awaiting transportation became so great that an alternative system had to be found. Accordingly, instead of transportation, it was decided that the convicts should be subjected to a term of penal servitude, and Pentonville Prison was built to accommodate them.

Later, several other prisons, notably Parkhurst, Dartmoor, and Portland, were built by the central government for the reception of convicts, and placed under the control of a body known as the Directors of Convict Prisons.

Elizabeth Fry, a wealthy Quaker, was instrumental in 1816 in forming the Ladies Prison Association, which concerned itself with prison visiting and the education, religious instruction, and provision of constructive work for female prisoners.

Sir Robert Peel, the Home Secretary, was responsible for the passing in 1823 of an act of Parliament, known as Peel's Gaol Act, the first measure of general prison reform. This act obliged the local authorities to adopt Howard's recommendations of sufficient, secure, sanitary accommodation for all prisoners, salaried officials, and systematic inspections. Furthermore, the local authorities had to furnish quarterly reports to the Home Secretary on the administration of the prisons.

Section 7 of the Prisons Act of 1835 provided for the appointment by the Home Secretary of five Inspectors of Prisons, whose duty it was to visit and report on all prisons in the country.

Prison Act of 1839 introduced compulsory classification of prisoners into debtors, untried, hard-labour, and others. Each cell had to conform in size, ventilation, light, and warmth to a recognized standard of health. Model rules to be observed in all prisons were laid down.

At this time, two different systems were being considered: (a) The Separate System, under which the prisoner was never in association except at chapel, and (b) The Silent System, under which prisoners worked by day in association but absolute silence was rigidly enforced.

House of Lords committee on jail discipline reported in 1863 that the Separate System must be accepted as the foundation of prison discipline. The committee also recommended a more severe discipline in order to increase the deterrent effect of imprisonment: "hard labour, hard fare, and a hard bed."

The Prison Act gave effect in 1865 to the committee's recommendations. The distinction between jails and houses of correction was formally abolished. The Act further provided that each prisoner was to have a separate cell and that "in a prison where criminal prisoners are confined, such prisoners shall be prevented from holding any communication with each other, either by . . . being kept in separate cells by day and by night except when at chapel or exercise, or by every prisoner being confined by night in his cell and being subjected to such superintendence during the day as will prevent his communicating with any other prisoner".

All prisons were transferred in 1877 from the control of the local justices to that of the Home Secretary. Thus, for all practical purposes, all prisons in the country came under the one administration.

The objects of the first Board of Commissioners were:

- (a) to consider what prisons to close;
- (b) to establish a uniform system of payment for staff;
- (c) to establish uniformity in prison management; and
- (d) to make rules concerning labour, visits, classification, and so forth.

In 1881, the board reported as follows:

- (a) The number of prisons had been reduced from 113 to 67.
- (b) The number of staff had been largely reduced.
- (c) A uniform treatment and discipline had been applied.
- (d) A uniform and improved diet had been introduced.
- (e) Sanitation had been greatly improved; the yearly average death rate had dropped.
- (f) Prison accounting had been established on a clear and uniform system.
- (g) The amount spent on aid on discharge had nearly doubled.
- (h) A progressive stage system, based on marks awarded for industry and good behaviour resulting in increased privileges, had been introduced.

The commissioners took over cumbersome, out-of-date, and badly equipped institutions, and within the first 10 years they improved sanitation, hospital accommodation, and laundry and kitchen facilities, built new reception blocks, overhauled security arrangements, abolished "dark" punishment cells, and provided quarters for officers. But the basis of the treatment meted out to prisoners still remained harsh discipline, separate confinement, and monotonous, unproductive, hard labour.

By 1894, public opinion had once again become uneasy concerning the state of the prisons. It was observed that recidivism, i.e., the repeated convictions for renewed crimes of those who had passed through the prisons undeterred by the system, did not diminish, that tuberculosis had increased among ex-prisoners, and that many former prisoners were so mentally broken down as to be incapable of earning an honest livelihood. "On the one hand," said one critic, "a cleanliness obtainable only by irritating industry disproportionate to its proper value; on the other hand, a reduction of such facilities as are most likely to prevent a prisoner from degenerating to a social alien, an automatic machine, or a lunatic." As a result of this public uneasiness, a departmental committee, under the chairmanship of Herbert Gladstone, was set up to investigate prison conditions. Their report, in 1895, has been described as one of the most important and far-reaching documents in prison history. The report said:

"The great danger of this highly centralized system has been and is that while much attention has been given to organization, finance, order, health of the prisoners, and prison statistics, the prisoners have been treated too much as a hopeless and worthless element of the community. We think that the system should be made more elastic, more capable of being adapted to the special cases of individual prisoners; that prison discipline and treatment should be more effectually designed to maintain, stimulate, or awaken the higher susceptibilities of prisoners, to develop their moral instincts, to train them in orderly and industrial habits, and whenever possible to turn them out of prison better men and women, physically and mentally, than when they came in."

The Gladstone Committee's main recommendations were:

- (a) extension of remission to local prisons;
- (b) abolition of the treadwheel, the crank, and other forms of unproductive

labour;

- (c) introduction of productive labour and technical instruction in association;
- (d) reduction of the time spent in cellular isolation; and
- (e) segregation of habitual criminals.

In 1898 a new Prison Act passed through Parliament which in the main consisted of the recommendations made by the Gladstone Committee. The results of this Act were as follows:

- (a) Unproductive hard labour was abolished.
- (b) All prisoners sentenced to more than one month's imprisonment were able to gain remission.
- (c) Work in association was extended to all inmates of local prisons.
- (d) Powers to order corporal punishment were restricted.
- (e) Prisoners, other than those sentenced to penal servitude or hard labour, were placed into one of three divisions: sedition prisoners, persons not of criminal habits, and ordinaries.

In 1898, rules were also made to regulate education in prison, particularly the education of illiterates and juveniles under 16.

An act of 1893 had allowed offenders under 16 to be sent to a reformatory instead of to prison. The Youthful Offenders Act of 1901 allowed parents to be summoned if it was thought that they were largely responsible for their child's offending, and also allowed a juvenile offender to be remanded to the care of a fit person instead of to prison.

The Children's Act of 1908 regulated committals to reformatories and industrial schools, restricted the committal of young offenders to prison, and introduced the juvenile court.

The Prevention of Crimes Act gave legal form to experiments that had been carried on for some years previously by introducing Borstal detention for offenders between 16 and 21. The same act attacked the problem of the habitual offender by introducing a system of preventive detention which allowed a court to add to a sentence of penal servitude a further sentence of preventive detention if the accused was found to be an habitual criminal.

The Criminal Justice Administration Act was passed in 1914. Courts imposing fines were obliged to allow at least seven clear days for payment. Part payment of a fine to reduce the term of imprisonment was permitted and courts were directed to take into consideration the means of the offender. No person was to be sentenced to imprisonment for less than five days.

Many changes were inspired by Alexander Paterson, a dedicated man who had a tremendous effect on the prison system:

- (a) Young adults between the ages of 21 and 25 were put into special classes.
- (b) The convict hair crop and broad arrow were abolished.
- (c) Better arrangements were made for visits.
- (d) Exercise was increased to an hour a day.

Paterson was also instrumental in the setting up of a general education scheme for inmates, which started in 1922. In 1929, an earnings scheme for

inmates was begun. The first open Borstal school was opened in 1930 and the first permanent open prison in 1936. In 1944, education in a prison was undertaken by a local authority for the first time, and, in 1946, the first Director of Welfare and Education was appointed at the head office of the Prison Department of the Home Office.

The Criminal Justice Act of 1948 abolished penal servitude and hard labour and introduced preventive detention and corrective training. The act also introduced attendance centres, detention centres, and remand centres.

We were also presented in England with the idea of a new type of prison (Grendon) for the mentally disturbed inmate. It was thus being accepted that there may well be a mental or emotional disorder in the person who is criminal.

The Human Cage is a beautifully illustrated book by Dr. Norman Johnston, a Pennsylvania professor of sociology, tracing the history of prison architecture. The dust-jacket summary of the book reads as follows:

A society's attitudes toward crime and its punishment are reflected in the design of the buildings it uses to detain its prisoners. Dr. Norman Johnston presents a brief history of prison architecture in *The Human Cage*, with emphasis on the way in which changing concepts in the purposes of imprisonment have resulted in changes in the designs of prisons.

Medieval prisons were built to encourage the spiritual rehabilitation of the prisoner, with a treatment that stressed solitude, suffering, and mortification. Vast and dreary buildings and physical cruelty oppressed the prisoner in the nineteenth century.

However, Dr. Johnston notes, modern prisons with their emphasis on mechanical contrivances are little improvement. Architectural changes have not eliminated the brutalizing aspects of incarceration, the author contends. Prisons have consistently deprived their occupants of privacy, dignity, and self-esteem, while at the same time strengthening those traits that led them to prison in the first place.

At one point in his book, Dr. Johnston shows a photograph of the castle-like façade of Leicester Prison in England, built in 1825. Incidentally, that building was purposely duplicated, with approval, by the good people of London who commissioned Holloway Prison, which in recent years has been used exclusively for women inmates. In proximity to the photograph of Leicester Prison, Dr. Johnston's text quotes from an article on prisons in the 1826 edition of *Encyclopedia Londinensis*:

The style of architecture of a prison is a matter of no slight importance. It offers an effectual method of exciting the imagination to a most desirable point of abhorrence. Persons, in general, refer their horror of a prison to an instinctive feeling rather than to any accurate knowledge of the privations or inflictions therein endured. . . . The exterior of a prison should, therefore, be formed in the heavy and sombre style, which most forcibly impresses the spectator with gloom and terror.

The old section of the Toronto Jail was undoubtedly inspired by similar thoughts of the necessary architectural style. Its interior also reflected the thinking of the day. The earlier idea of cellular accommodation was meant to be an improvement on the raucous, large custodial room, which housed together persons of both sexes, of all ages, and of diverse crimes, misdemeanours, and debts. That room's common denominator was the miseries of its inhabitants.

To quote Dr. Johnston again, cells were designed, without any intention of pampering inmates or wasting space, to "give a man time for reflection and contrition and protect the naïve from contamination by the more sophisticated, preventing also plots, escapes and attacks on keepers which were at the time most prevalent. Religious instruction, work in the cell, and visits by philanthropically inclined individuals would complete the job."

In the concluding paragraph of his book, Dr. Johnston observes:

Finally, the history of prison architecture stands as a discouraging testament of our sometimes intentional, sometimes accidental degradation of our fellow man. Prison structures have continued to be built in a way which manages by one means or another to brutalize their occupants and to deprive them of their privacy, dignity, and self-esteem, while at the same time strengthening their criminality. The 19th century allowed vast and dreary buildings and physical cruelty to grind down the prisoner.

The Toronto Jail (old section) was designed for its present site in the 1850s. In 1858, prior to completion, it suffered from an extensive fire, and it was not fully rebuilt until the following decade.

The Toronto Historical Board decided more than 100 years later to include the jail in its list of historical buildings. It described the jail as "a very fine example of the revival of late Renaissance style in which the decorative elements of carving, blocked columns, and deeply cut stone work are used to impress upon the visitor the grandeur and serious character of the building and its purpose. The building is also the work of an important Canadian architect of the mid-nineteenth century (William Thomas). In terms of its location, above the Don Valley and set back from Gerrard Street, the building has as much value as a landmark as it has for its historical, if somewhat unpleasant, association with the City of Toronto."

The Gerrard Street edifice was the fourth Toronto jail. The first was a log structure with palisade located in "Muddy York" on King Street, just east of Yonge. It lasted from 1800 until 1824, when it was replaced by another jail near by. The third jail, at the corner of Front and Berkeley streets, overlooked the Toronto harbour. By coincidence, its architect bore the same name as the great prison reformer – John Howard. It was used from 1840 until it was replaced by the present Toronto Jail. It appears from the records that inmates were moved into the new facility in March 1864, although it was not officially opened until the following year. At any rate, by 1865 it was fully occupied, and it remained so, with varying degrees of overcrowding, right through to 1977.

The building was repeatedly criticized and condemned by grand juries and other concerned people within and outside the Ministry, including

public personages and private citizens, jail officials, correctional officers, and inmates. On November 10, 1977, the Honourable Frank Drea, Minister of Correctional Services, announced in the Legislature that the old section of the jail would be closed at the end of that year and that arrangements would be made for its demolition. The death knell had been sounded at last!

The full text of the Minister's pronouncement follows:

I will close the old Don Jail on December 31, 1977 . . . forever. I have asked my colleague, the Minister of Government Services, to have tenders prepared for demolition contracts.

I see no value in preserving the old Don Jail. To do so would require the taxpayers to pay many hundreds of thousands of dollars to meet acceptable public fire safety standards. Heat and maintenance alone cost nearly \$500,000 a year. Without additional expenditures there would be a persistent pest-control problem.

It is repugnant to me that preservation would mean that the curious would line up to see four steel-enclosed death cells, a gallows where 70 persons have been executed, and jail corridors and cells which, for more than a century, have witnessed the worst in the human condition.

Upon completion of demolition, inmates will develop and maintain a massive flower garden for the benefit of patients of Riverdale Hospital. I regard this as a far better land use.

During its controversial existence, which began in 1865, over one million persons have passed through the Don Jail. The physical limitations of this old jail imposed upon its inmates conditions which are unacceptable. In addition to the hardships imposed upon the inmates, the outdated facilities have placed stressful demands on the staff. They deserve praise for their dedicated service under trying conditions for so many years.

There will be no loss of jobs as a result of this closure. Staff working in the old jail will be transferred to other facilities.

The inmates presently incarcerated in the old jail will be accommodated in the modern detention centres which my Ministry opened this year in Etobicoke and Scarborough, and in the jail building adjacent to the old jail at its Gerrard Street and Broadview Avenue location. Some alterations to the admission area and to the medical area in the newer jail building will be carried out. Inmate labour will be utilized wherever possible for the work related to these alterations.

In addition to thanking the staff who have worked in the outdated facilities of the Don Jail over the years, I would like to pay tribute to my predecessors in this portfolio who laid the groundwork that has made possible this historic announcement.

The impetus for the replacement of outdated local jails was provided in the 1960s by the then minister, the Honourable Allan Grossman. Under his leadership the Ministry assumed full responsibility in 1968 for the operation of all county and city jails, one of which was the old Toronto (Don) Jail. An immediate program of renovation and replacement was begun which has already seen the closure of 13 outdated jails and the opening of six modern detention centres. The old Don Jail and Hamilton's old (Barton Street) jail

will cease to exist in the New Year, with the Hamilton facility being replaced by a modern detention centre.

Each succeeding minister after Mr. Grossman – the Honourable Syl Apps, the Honourable Richard Potter, M.D., the Honourable John Smith, the Honourable Arthur Meen, Q.C., and, more recently, the Acting Minister, the Honourable John MacBeth, Q.C. – made individual contributions to the program designed to provide the province with jail facilities that meet the standards of accommodation and security expected by the Ontario public.

I am sure that all Honourable Members will share my satisfaction that 1978 will see the disappearance of this notorious 112-year-old institution.

A HISTORY OF THE TORONTO JAIL AND OTHER SIGNIFICANT DATES

- 1800–24 First Toronto jail – a log structure with palisade located on the south side of King Street, east of Yonge Street.
- 1812 War of 1812 – jail taken over by the local military authority.
- 1820–30 Public executions by hanging in Toronto, attended by thousands.
- 1824 Toronto's second jail – completed near the site of the first.
- 1830s Toronto grand juries protest jail conditions, such as abuse of inmates by staff, and recommend segregation of “delinquents” and mentally ill from hardened offenders.
- 1835 Kingston Penitentiary opened.
- 1838 Act passed to regulate jail erection and reconstruction, and correctional procedures in Upper Canada.
- 1840s George Brown and others urge prison reform.
- 1840–60 Toronto's third jail, designed by John G. Howard, located near Front and Berkeley streets.
- 1848 Royal Commission on conduct and management of Kingston Penitentiary.
- 1856 Kingston Penitentiary inquiry.
- 1858 Don Jail under construction – damaged by fire.
- 1859 First Ontario reformatory opened at Penetanguishene.
- 1860 First annual report of Inspectors of Asylums and Prisons.
- 1865 Don Jail completed, after delay caused by fire in 1858; designed by William Thomas on present site.
- 1867 Confederation.
- 1867 First Sunday School at the Toronto Jail.
- 1869 Public hangings abolished. Hangings held within the jails and prisons from this year forward (until 1962).
- 1874 Central Prison completed in Toronto – intended as an intermediate institution between jail and penitentiary. Its use lasted through to the 1920s.
- 1875 Prisoners no longer had to wear ball and chain.



Toronto's third jail, in use from 1840-1860, was near the intersection of Front and Berkeley streets.

- 1880 Mercer Reformatory opened in Toronto.
- 1881 Prisoners' Aid Association formed in Toronto.
- 1885 Ontario Provincial Secretary investigation of the internal management of the Central Prison in Toronto.
- 1889 Prisoners' Aid Association prompts correctional reforms.
- 1891 Ontario Prison Reform Commission Report listing need for major reforms.
- 1892 The first "Children's Court" instituted in Toronto. This forerunner of the Family Court was one of the first of its type in the world.
- 1893 Criminal Code of Canada enacted.
- 1898 Ticket of leave system begun.
- 1910-11 Ontario Reformatory opened at Guelph.
- 1913 Work-release programs begun at Langstaff Prison Farm.
- 1916 System of restricted parole in Ontario started.
- 1917 Burwash Bush Farm established.
- 1927 Riot in Kingston Penitentiary, January 22.
- 1930 Ontario Royal Commission on Public Welfare Report condemned county jails in the province.
- 1930s Riots and disturbances in federal and provincial institutions.
- 1938 Archambault Commission on the Canadian Penal System; major reforms recommended.

- 1950s Riots and disturbances at Kingston Penitentiary.
- 1952 Guelph Reformatory riot.
- 1952 The Macdonell Royal Commission investigating security at the Toronto Jail, following the escape of four members of the "Boyd Gang".
- 1954 Ontario Select Committee Report on problems of delinquent individuals, custodial questions, and reform institutions.
- 1956 Fauteux Report on Correctional Reform.
- 1958 New section of the Toronto Jail opened.
- 1958–9 National Parole Board initiated.
- 1959 Guelph Reformatory riots, in August.
- 1960 Canadian Bill of Rights.
- 1962 Last hanging in Canada, at the Toronto Jail.
- 1967 Ontario Legal Aid Plan inaugurated, in March.
- 1968 Province of Ontario takes over full responsibility for all jails formerly operated by the counties and the urban municipalities. The Toronto Jail now comes under the control of the province instead of the city of Toronto.
- 1968 Ontario Royal Commission Inquiry into Civil Rights.
- 1969 Report of the Canadian Committee on Corrections, to achieve unity in criminal justice administration.
- 1971 Kingston Penitentiary riot, in April.
- 1971 Bail Reform Act.
- 1973 Ontario Correctional Institution opened in Brampton, as a treatment centre for youthful offenders.
- 1974 Royal Commission on the Toronto Jail and Custodial Services created, in October.
- 1975 Ontario Ombudsman appointed.
- 1977 November 10 – Announcement by Minister of Corrections that old section of Toronto Jail is to be closed.

SOCIAL CONDITIONS

A bibliography listing 59 important sources appears at the end of this section of the report. The following are short abstracts of some of those sources, arranged chronologically to give a picture of changing conditions over the years.

The number in parentheses after the source of each item refers to the number of the item in the bibliography.

Early documents depicting life in the Town of York indicate the planning and evolution of the jail system in what is now the City of Toronto. One of the earliest references to the construction of a jail is to be found in a letter written by Lieutenant Peter Russell, dated Niagara, August 27, 1796. The letter indicates the direction of the Surveyor General's plan to lay out the future site for the jail and other related buildings, in which he wrote "the

site for the jail should be chosen high and dry, for the sake of health and defense."

Russell wrote to Sheriff Alexander McDonnell in May of 1798 and stated that in order to maintain jail discipline "you will likewise be pleased to provide Handcuffs and other Irons for binding gross offenders, and stocks for punishing those who may deserve chastisement". A letter from the sheriff's office in 1811 stated that the prisoners were suffering from the cold and damp of the cells without adequate bedding.

E. G. Firth (36)

During the first half of the 19th Century in Upper Canada, crimes against the person were considered far less serious than crimes against property, and grand larceny was punishable by death or banishment to the United States.

J. R. Burnett (23)

In 1828, a "double-header" public hanging at the rear of Toronto's second jail attracted a crowd of some 10,000 persons. Executions were more or less privately conducted in Toronto after 1869. In November 1877 the sheriff issued 150 passes to witness a jail hanging.

E. C. Guillet (29)

A grand jury, in 1834, suggested that "lunatics" and debtors be separated from the main body of criminals confined within the Toronto Jail. The conditions of the jail during this period were anything but ideal as inmates were subjected to a bread-and-water diet, makeshift straw beds, and inadequate heating and ventilation. Instruments of punishment included stocks, whipping posts, and a pillory located near the market to allow public observation. Sentences handed out during the same period included six months' imprisonment of a woman as a public nuisance, a disposition that also included the requirement that she stand in the market pillory two days a week for two hours at a time. Prisoners were required to wear the ball and chain until about 1875. Banishment was one of the most extreme sentences levied, carrying with it the penalty of being put to death if a banished individual should ever return. The imposition of punishment was something of a public spectacle and persons would travel great distances to observe public hangings. In time, conditions were ameliorated through the involvement and concern of the citizens of Toronto.

E. W. Hounson (15)

The crowding of the Toronto Jail was reported in the *Globe* of August 8, 1856, wherein it was stated that the institution had on hand twice the number of prisoners it was designed to accommodate, with all classes of offenders separated only by sex. The common jails in the 1860s were described by the Board of Inspectors as "schools for vice, to which novices in crime repair to receive, in an atmosphere of idleness and debauchery, lessons in villainy from hardened adepts, older than themselves in crime, who become at once their models".

E. C. Guillet (29)

The report of the Toronto Chief of Police published in the *Globe* of January 26, 1869, stated that for the previous five-year period drunk and disorderly offences were the most prevalent form of lawbreaking. It appeared that there was a steady loss of policemen to the U.S. because of the higher wages offered there, and Chief Constable W. S. Prince stated in his annual message that higher salaries for his men would maintain a higher calibre of officer and better level of social order.

L. W. Blyth (26)

The report of the Inspector of Prisons for 1876 contains *inter alia* the following observations:

"The labour that has to be performed by the prisoners in the Central Prison is no harder than what honest mechanics or labourers outside of the prison have to do, and the hours are the same as in ordinary shops and in labouring employments; the dietary being infinitely better than what a large majority of mechanics and labourers can supply themselves with by their honest exertions. Cleanliness, both in the persons of the prisoners and in every department of the prison, together with the greatest promptness, punctuality, and order in the performance of duty, are strictly enforced.

"The rules and regulations in respect to these matters, and for regulating the general conduct of the prisoners, constitute the discipline of the prison, and its enforcement neither involves harshness nor severity, unless a prisoner renders that treatment necessary through disobedience or insubordination. The discipline of the prison, however, must be maintained, and the rules and regulations obeyed, otherwise disciplinary punishment must be resorted to. This consists, firstly, of deprivation of a meal or certain privileges; secondly, confinement in the dark cell or bread and water diet; and, thirdly, confinement in the dark cell in irons.

"The latter punishment is administered by causing the refractory prisoner to be handcuffed to a ring in the wall about even with his eyes, the anklets being used to secure the legs to another ring in the floor. Physical pain is, of course, caused by the elevation of the hands and arms and the general fixity of the body, which, however, does not prevent the prisoner from shifting his position and resting the head and shoulders against the wall. When it is found necessary to administer this kind of punishment for the first time, the prisoner is given to understand that its duration, after an hour or two, will depend upon himself. If he expresses contrition for the offence committed, he is at once taken out of irons. If a prisoner, however, has to be punished in this way more than once, he has to remain in irons for a fixed time, but if for a longer period than 24 hours he is taken down in the night and to his meals. This placing of a prisoner in irons is not resorted to except in cases of gross insubordination, or of continued disobedience of the rules."

The report dealt with allegations of cruelty. Bearing in mind that our Commission arose out of allegations by Gary Dassy and supported by nurse Jane Mannerholm, it is interesting to read the following in the 1876 report:

"It would seem that every instance of what was looked upon as cruelty was carefully noted by persons who had been dismissed from the prison service, and by certain others who were disaffected."

There was then an analysis of some 23 allegations. Two of the observations seem as relevant today as they were 100 years ago. Only the language has changed over the years. For "insane", in the first quotation, we might today use "mentally ill" or "mentally disturbed":

"I have recommended that some better provision be made for the custody of violent and refractory prisoners, and it is most desirable that when the hospital is erected a room should be provided for insane prisoners, pending their transfer to an asylum."

In the other quotation, for "prison official" or "guard" we might use "correctional officer", and for "prisoner" we use "inmate":

"Under no circumstances, except in a clear and well-defined case of self-defence, should a prison official strike a prisoner. That the prisoners were beyond endurance, only showed the necessity and importance of the guard controlling his own temper, and of using lawful means of punishment, which are always at his command.

"Before closing my remarks in connection with this subject, I desire to say that I wish it were possible for the discipline of the prison to be maintained without inflicting physical pain, and that moral suasion and kindly admonishment alone could accomplish that object; but as far as I can ascertain both agencies are necessary in all well-regulated prisons."

Report (1876) of Ontario Inspector of Prisons (12)

The mandate of the Commission of Enquiry in 1885 was to investigate the substance of charges of cruelty and excessive punishment against the warden of the Central Prison in Toronto. Certain charges had been made in the Legislative Assembly indicating ill-treatment of certain prisoners. The Commission reviewed comparative data on conditions prevailing and punishments levied in institutions in other jurisdictions in order to arrive at its conclusions. The cases of several dozen prisoners who alleged mistreatment were investigated at length and many were found to be without substance. The Commission's findings revealed, however, that the social conditions in the prison and incidents occurring there were largely the result of inadvertence on the part of the warden and his staff. It was felt that they had not observed the rules set down for their guidance in running the prison. The report also noted "that there had been a good deal of antagonism and not a little ill-feeling existing between some of the guards and the warden . . . such feeling may prove very disastrous to the good government and discipline of the prison".

Ontario Commission of Enquiry (4)

The Ontario Prison Reform Commission of 1891 was addressed to ascertaining improvements that might be sought in dealing with the "criminal classes" of the province and the then existing state of its correctional institutions and prisons. In furtherance of this aim, the Commissioners visited various other jurisdictions, particularly those of selected northeastern states. Extensive evidence was presented to support the need for social reforms of the province's prisons and reformatories; information was obtained from public officials and private welfare organizations. The attempts at segregation by age, sex,

and offence wherever possible in the Toronto jail were noted, but, with its volume of approximately 3,000–4,000 individuals processed yearly, such efforts were felt to be less than totally successful.

Ontario Prison Reform Commission (5)

The Ontario Reform Commission of 1891 examined prison conditions and suggested that improvements be made in the classification and employment of prisoners. Ontario pioneered one of the earliest work release programs in 1913, at Langstaff Farm. The author concludes: "The jail is the oldest of all penal institutions and yet least changed or affected by contemporary correctional philosophy and practice."

A. M. Kirkpatrick (16)

The Honourable S. H. Blake, Q.C., in an address concerned with prison reform in Toronto in the late 1890s, delivered on behalf of the Prisoners' Aid Association, opened with the statement, "No doubt much of the harm that is done and of the good that is left undone in correction with prisoners, is owing to want of thought." Concerned about the increasing crime rate in the city and the formation of criminals in the jail into a "criminal club", he suggested greater separation and vocational orientation for prisoners, so that they might be kept better occupied. The position advocated was that, through separation, the "contaminating" influences of prison experience might be reduced, particularly in the case of youthful offenders.

S. H. Blake (47)

(The author's study was directed at the development of Ontario Public Welfare Administration during the period 1791–1893.) The financial burden presented to the Legislature in the construction and improvement of early jail facilities caused the progress achieved by such institutions to be retarded.

R. B. Splane (48)

The evolution of 19th-century penology in Canada appeared to be a somewhat halting alternation between periods of reform and periods of reaction, but with provinces such as Ontario in the vanguard of progressive reform.

J. A. Edmison (38)

The Special Committee of the Legislature, appointed to investigate prison labour in 1907, reported on various schemes that had been tried with varying degrees of success in the preceding period at the Central Prison. It was stated that "no greater cruelty could possibly be inflicted on prisoners than enforced idleness". The principal recommendations made included the proposed disposal of the Central Prison site in Toronto, the purchase of a large tract of accessible land for a reformatory and provision for technical education and agricultural activity at such a proposed site. It was also recommended that the use of striped clothing by prisoners and their confinement in "dark cells" be discontinued.

Report of the Special Committee on Prison Labour (6)

The Central Prison in Toronto in the early 1900s was the subject of an address on prison reform given in 1911. That prison was an intermediate custodial institution housing inmates who were serving less than penitentiary terms but more than the short sentences of the Toronto Jail. Its use was discontinued during the 1920s. Concern was expressed over the need to keep the “younger vigorous men” of the prison occupied with productive employment. Prison labour and its products had been criticized by the affected trades, from an economic standpoint. The provincial government felt that the production of the inmates could be used in state-supported institutions. A report in 1907 recommended that a large tract of land be acquired and put into productive use. A block of 840 acres was acquired outside Guelph in 1910, and initially 18 Toronto Jail inmates were selected to commence working the area. The striped clothing and cropped hair characteristic of the prisoners of the Toronto Jail was eliminated and an “honour system” was created. The agricultural produce of a total work force of 180 in the fall of 1910 supplied all the needs of the Central Prison for that winter. Escapes appeared to be minimal under conditions of reduced security.

W. J. Hanna (56)

The problem of crime, specifically with reference to the province of Ontario in the 1920s, was seen to be amenable to reduction through a variety of institutional means. The author cited various control means or agencies: (a) preventive constructive agencies – homes, churches, and schools; (b) preventive restrictive agencies – the police, courts, locks, watchmen, and the criminal law; (c) reformatory agencies – juvenile courts and reformatories. Criminal offenders were said to be best dealt with through individual reform efforts and “mass or herd” reformatory approaches were not thought likely to be successful. Prior to the 1920s in Ontario, the primary aim of correctional policy was seen as punishment and not reformation or rehabilitation.

Reforms of the 1920s viewed positively included the abolition of the Toronto Central Prison, the creation of the reformatories at Guelph and Burwash, and the beginning of a parole system in Ontario.

A. E. Lavell (59)

The report of the Royal Commission on Public Welfare, in 1930, directed its attention to the conditions of Ontario's public institutions, including its penal and corrective institutions, jails, and industrial farms. Institutions in other jurisdictions, such as those in adjoining states in the U.S., were visited by the Commission in order to make a more valid assessment of conditions in Ontario's institutions. The Commission's general assessment was that “institutions of the province, as a whole, other than the jails, are in considerable part as creditable, as regards their condition and management, as their accommodation and equipment permit”. It further stated that “there is bad overcrowding in the majority of the provincial institutions”. The principal weaknesses highlighted in the area of corrections included inadequate inmate occupation provisions, poor segregation of classes of inmates within institutions, and improper co-ordination of various charitable and corrective agencies. This theme runs through many of the reports on penal institutions

in many jurisdictions. By way of an added fillip, there was a recommendation of sterilization: "A question arises why an immoral defective or an immoral criminal should be free to propagate more defectives or more criminals, thus promoting the burden of misery with which the community endeavours to cope."

The province's jails were described in negative terms: "The jails are the most difficult feature of our social system. . . . The 47 jails of the province are 47 places which are as likely to promote offences as to prevent them. Little classification exists . . . jailers are underpaid . . . the jails understaffed." It was noted that far less use would have to be made of the jails if judges would use probation and suspended sentences more often.

As for the Toronto Jail, this report described it as being overcrowded, with 90 per cent of its inmates idle. In this respect, it was little different from the situation that was revealed at our own hearings. Medical facilities and food were criticized in the 1930 report. At least in these two matters, some progress was made over the years.

Royal Commission on Public Welfare (7)

The Toronto Jail was referred to in 1933 as "the Bastille of Toronto the Good". Conditions in the jail were described as "filthy [and] the odour from night pails pathetically putrid". The author felt that public awareness of the penal system would be necessary to achieve any real measure of reform.

O. C. J. Withrow (21)

The Archambault Royal Commission of 1938 was a federal commission. While directing attention to the reformation of the penal system of Canada in general, it encompassed within its mandate a study of selected provincial institutions including the Toronto Jail. It was felt that, as only the length of sentence determined whether incarceration was in a federal or provincial institution, the broadening of the inquiry's scope was justified. Provincial institutions such as city, county, and municipal jails were found to be generally antiquated and functionally inadequate. In its conclusions, the Commission recommended the reorganization and centralization of control of provincial jails, the development of more adequate correctional staff training, and the institution of new inmate classification systems and discipline codes, among other measures. The Commissioners stated that "to precipitate action without reconstruction of personnel would invite failure, and any failure would jeopardize the necessary improvement of our penal system".

The Archambault Commission no doubt gave impetus to the plan for the Province of Ontario to take over control of the county and city jails, which it did in 1968.

Archambault Commission Report (8)

The period 1946-53 signalled the beginning of a change in corrections, characterized by greater emphasis on individual treatment, improved classification, vocational training, and staff training colleges. The efforts of private agencies such as the John Howard Society and the Canadian Penal Association for reforms and after-care programs is also noted. Improvements sug-

gested for the correctional system included expanded treatment facilities and officer training and support programs.

W. F. Johnstone and B. Henheffer (51)

A Royal Commission, under Judge Ian M. Macdonell, was appointed in the fall of 1952 principally to investigate the circumstances surrounding the escape of a total of four members of the Boyd Gang on two separate occasions in 1951 and 1952. The mandate of the Commission was addressed to inquiring into the control and management of the jail, the adequacy for security and accommodation of the structure, the appointment and staffing procedures of the jail, and the treatment and discipline of the inmates.

The handling of keys within the jail was deemed inefficient, the lighting inadequate, and morale of the staff low. Such factors as working conditions, salary, and status considerations were all seen as contributing to the condition of the low staff morale. The jail building, termed "a miniature penitentiary", was viewed as inadequate and grossly overcrowded. The institution was also seen as unable to deal with the security of the penitentiary type of inmate. There was no suggestion of any brutal treatment of the inmates and discipline was viewed as generally good. Punishment applied during the period included strapping and the use of solitary confinement. Among the principal recommendations were suggestions for new executive and line staffing policies, complete with improved salaries, new training programs, improved security, marked clothing, and improved handling of psychiatric cases and more adequate psychiatric facilities.

Royal Commission Investigating the Don Jail (9)

A committee of the Legislature, under the chairmanship of W. J. Stewart, was appointed in 1954 to study the problems associated with the reforming of delinquents, and custodial questions and their relation to provincial reform institutions. The investigation of the Department of Reform Institution's personnel situation showed the turnover of staff to be great and noted that "high I.Q., educational qualifications, and in-service training for guards are indispensable". Corporal punishment was not the only disciplinary method advocated, but, in the Commission's words, the right to administer it under medical supervision was deemed to be imperative and conducive to "preserving morale". It was felt that staff promotion and salary should be conditional upon merit as well as seniority, and that the training should be upgraded. The name "reform institution" was felt to be something of a misnomer. In essence, the jails were viewed as the most pressing "property" problem of all the institutions surveyed. It was noted that the division of control between province, counties, and cities made it difficult to set up uniform standards for the common and city jails.

The Commission said that "the Don Jail in Toronto has been cited as an example of how outdated jails can become". Jails were seen as "clearing houses" for both offenders and suspected offenders, in which "all mingle together to form a passing parade that is continually changing but never ending". It, along with other jails in Ontario, was viewed as generally inadequate for proper custody and segregation and as having virtually no facilities with

which to effect reform. Regulations for jail management were seen not likely to be effective in the absence of adequate facilities. The Toronto Jail was again pictured as being overcrowded and generally inadequate, due to high inmate population and turnover. A general upgrading of Ontario jails was advocated, including provincial control of such institutions and a general tightening of security. The continued use of jails as mental hospitals was also condemned as it was a function they were not intended for. The extension of probation and after-care services was also recommended, as were more intensified efforts on "reformables" within the institutions.

Select Committee Report (10)

Psychological testing at the Toronto Jail in the summer of 1960 revealed distinctly different personality characteristics that would require better classification and assessment if their needs were to be met. Traditional approaches, singularly paternalistic and vocational in their orientation, were not thought likely to be successful in dealing with such offenders. A greater degree of individualization of punishment and treatment was viewed as necessary to effect individual correction in the future.

W. T. Little (43)

S. H. Blake is quoted as saying: "It is all very well to talk about reforming the prisoner . . . we have to reform public opinion . . . we have to reform our sheriffs, to reform our jailers, and to reform our jails, and then we shall have a better hope of reforming the prisoner."

J. A. Edmison (47)

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Statistical Survey of Inmates and Correctional Officers

Part way through our hearings, it became apparent that it would be desirable to look beyond the individual incidents to the larger aspect of the confrontations between inmates and staff. Accordingly, I asked our researchers to prepare a statistical profile of the type of inmate who was likely to become involved in incidents with correctional officers, as well as a profile of the correctional officer on the other side. If such profiles could be developed, then a lookout could be maintained for such inmates so that they could be dealt with more carefully. At the same time, the most vulnerable correctional officers could be identified and carefully trained, or, if necessary, re-allocated to less sensitive duties.

This survey is the result. As far as I know, it is the only one of its kind. Details of the incidents surveyed, including the underlying causes, the action or reaction of inmates and officers, and the findings of fact, are set out in Volumes 3 and 4 of this report.

The purpose of the survey was to compile statistical data on inmates who had made allegations and on correctional officers against whom allegations had been made. Both inmates and correctional officers were compared with control groups in the Toronto Jail.

The survey is prefaced by a summary of significant conclusions.

SIGNIFICANT CONCLUSIONS

Inmates who made allegations of the use of excessive force by correctional officers were younger than the average inmate in the jail.

The alleging inmates had more education than the average inmate in the jail.

The alleging inmates were more likely to be single than the average inmate in the jail.

One-third of the alleging inmates came from small cities or towns, whereas nearly all the inmates in the control group lived in Toronto.

Allegating inmates were less likely to be semi-skilled workers than the inmates in the control group.

Nearly all the alleging inmates had been detained on criminal charges. Fifty per cent of the inmates in the control group had been detained for traffic offences or breaches of the Liquor Control Act.

The offences or alleged offences of the alleging inmates involved violence more often than those of the inmates in the control group.

Sixty-six per cent of the inmates in the control group were serving sentences of 15 days or less, but less than 7 per cent of the alleging inmates were serving similarly short sentences.

More than 80 per cent of the alleging inmates who had been sentenced were serving sentences in excess of the three months that is supposed to be the maximum sentence to be served in the Toronto Jail. On the other hand, less than 9 per cent of inmates in the control group were serving sentences of three months or more.

Approximately 25 per cent of the incidents involving the use of excessive force took place on the day of the alleging inmate's admission to the jail; the incidents continued to occur until the 492nd day after admission.

A greater proportion of alleging inmates had previous criminal records, compared with other inmates in the jail.

Types of past offences that appeared to distinguish alleging inmates from other inmates in the jail were possession of a dangerous weapon and violation of parole, mandatory supervision, or probation.

Allegating inmates had, on the average, experienced more time on probation and more commitments to institutions than other inmates in the jail.

Fifty per cent of the alleging inmates were in segregation at the time of the incident or because of it.

Allegating inmates who were segregated at the time of the incident had spent more time in the jail on their present detentions than alleging inmates who were not segregated.

Segregated alleging inmates were more likely to have previous criminal records than unsegregated alleging inmates.

Segregated alleging inmates were more likely to have records of repeated acts of violence than unsegregated alleging inmates.

Allegating inmates who were segregated were more likely to have had convictions for possession of a dangerous weapon than unsegregated alleging inmates.

Segregated alleging inmates had less probation experience than unsegregated alleging inmates.

Segregated alleging inmates had less experience of confinement in jail than unsegregated alleging inmates.

Segregated alleging inmates had more experience in federal penitentiaries than unsegregated alleging inmates.

Correctional officers against whom allegations had been made were younger than the average correctional officer in the jail.

Correctional officers against whom allegations had been made had more education than the average correctional officer in the jail.

Correctional officers against whom allegations had been made worked more overtime than the average correctional officer in the jail.

Correctional officers against whom allegations had been made had more related work experience, particularly military experience, than the average correctional officer in the jail.

The incidents in which correctional officers had allegedly been involved were likely to have occurred either in the first year of employment or after five years of employment at the jail.

Both alleging inmates and other inmates in the jail were, on the average,

shorter and lighter (by approximately 45 pounds) than the correctional officers against whom allegations had been made.

The alleging inmates had less formal education than either the correctional officers against whom allegations had been made or the average correctional officer in the jail.

Correctional officers against whom allegations had been made were more likely to be married than either the alleging inmates or the average inmate in the jail.

Eighty per cent of both alleging inmates and inmates in the control group were born in Canada. On the other hand, only 25 per cent of the correctional officers against whom the allegations had been made, and of all correctional officers in the jail, were Canadian-born.

A. INMATES

The data encompassed the inmate's personal characteristics, his status (whether on remand or sentenced), the offence or alleged offence for which the inmate was detained at the time of the incident, his sentence, his criminal record, and his institutional experience.

Many inmates were in segregation at the time of the incident, or because of it. Allegating inmates who were not confined to segregation were compared with those who were. The same variables of personal characteristics, status, offence, sentence, past criminal record, and institutional experience were considered.

The data appearing in the tables that follow were collected from the transcripts of the Commission's proceedings, from statements made to investigating officers, and from files and records of the Toronto Jail, the Ministry of Correctional Services, and the Ontario Provincial Police.

The environment of the jail changed with the seasons of the year and the hours of the day. The institution was for the most part overcrowded, especially in the summer, when fewer courts were in session. The lowest count seems to have been in December.

Because of seasonal factors, care was taken to ensure that the control group of 100 inmates was representative of the jail population as it was when the surveyed incidents took place.

The survey covers 83 of the 92 inmates concerning whom allegations were made of the use of excessive force by correctional officers. Information on some of the inmates was insufficient to permit statistical analysis. The 83 that were surveyed were considered to be enough for a demographic study.

The 83 inmates in the survey brought forward 104 allegations, 86.7 per cent of them identifying one allegation, 6 per cent two allegations, 2.4 per

cent three, and 4.8 per cent four (Table 1). Only the first incident of each inmate was analysed.

The incidents surveyed were distributed between the years 1968 and 1975, inclusive, as follows:

1968	1	1973	11
1969	3	1974	42
1970	1	1975	8
1971	11	non-ascertainable	2
1972	4		

The total number of inmates who were witnesses in allegations not involving themselves was 79. Of these, 48 were not involved in any allegations, and these 48 inmates comprised our group of witnesses. Of the total (79), 83.54 per cent appeared as a witness once, 13.92 per cent twice, 1.27 per cent three times, and 1.27 per cent five times.

While 26.4 per cent of the allegations occurred on the day of admission, the survey showed, the incidents continued to occur as late as the 492nd day. The average number of days an alleging inmate had spent in the jail at the time of the incident was 39.33. The average number of days spent in the Toronto Jail for the total jail population was given at various times as anything from 10 to 15. The maximum sentence inmates were normally intended to serve in the jail was three months, yet 12.5 per cent of the alleging inmates had been in the jail for more than three months when the incident took place (Table 2). Many problems occurred, not only on the day of admission but also after long periods of confinement in the jail.

Nearly 75 per cent of the alleging inmates who made oral submissions and 45.9 per cent of those who submitted written summaries were in segregation for misconduct at the time of the incident or because of it (Table 3).

Demographic Profile

Allegating inmates were significantly younger than inmates in the control group (Table 4). Some 43 per cent of those making allegations were under 21; 26 per cent of those in the control group were under 21. Another 41 per cent of the alleging inmates were between 21 and 28, compared with 24 per cent of the control group. Only 16 per cent of the alleging inmates were 29 or over, compared with 50 per cent of the control group. The witnesses, on the other hand, were distributed evenly among the three age groups.

The inmates involved in the alleged incidents were among the younger men in the institution. In fact, the most common age was 17 years, as seen in Figure 1. By omitting one 64-year-old man who was atypical of the group, the average age of the control group was 30.3 years. Many of the inmates making allegations of the use of excessive force were, therefore, youthful, compared with other inmates in the jail.

While 65.2 per cent of those who made oral submissions were under 22, only 45.9 per cent of those who made written submissions were that young (Table 5). The latter, therefore, tended to be slightly older. Although one might guess at the reason for this, there were too many possible explanations to permit the drawing of any satisfactory conclusion. This statistic is set out

for interest only.

Because of the age disparity, a second significant difference was, understandably, found in marital status (Table 6). Comparing married and single inmates, we found that 78.4 per cent of the alleging inmates were single compared with 60.2 per cent of the control group. While noting this difference in marital status, we should recognize that it could be related to age and that it is not necessarily, in itself, a distinguishing characteristic.

Country of birth did not show any consistent pattern. Approximately 80 per cent of all the inmates were born in Canada (Table 7). Looking at the small numbers born elsewhere, it may or may not be of any significance that 9.6 per cent of the alleging inmates were born in the Caribbean, Central America, or South America, compared with 2.1 per cent of the witnesses and 2 per cent of the control group; and 1.2 per cent of the alleging inmates were born in the U.S.A., compared with 8.3 per cent of the witnesses and 7 per cent of the control group.

The inmates born outside Canada were too few to suggest any trend in length of Canadian residence (Table 8). One (1.2 per cent) of the alleging inmates had been in Canada two years or less, compared with 12.5 per cent of the witnesses and 8 per cent of the control group. The average length of Canadian residence of inmates who were born outside Canada was 9.6 years for alleging inmates, 6.9 for witnesses, and 8.7 for the control group.

Place of residence was a third significant difference between the inmates who made the allegations and the control group. Toronto was the residence of 60.2 per cent of the alleging inmates and 88 per cent of the control group (Table 9).

Level of education was a fourth significant difference, with 71.4 per cent of alleging inmates having at least a Grade IX education, compared with 53.1 per cent of the control group (Table 10). The admission records at the Toronto Jail did not record sufficient precise information on education to permit comparison with a control group. The alleging inmates stated their level of education as part of their evidence. Table 11 shows that 29 per cent of the latter had not gone beyond Grade VIII, 50.7 per cent had reached Grade IX or X, and 20.3 per cent had gone beyond Grade X. The average number of grades completed was 9.2. Compulsory education in Ontario requires students for the most part to remain in school until they are 16.

Occupational status revealed two main points. The semi-skilled category accounted for 23 per cent of the control group, 12.5 per cent of the witnesses, and only 4.8 per cent of the alleging inmates (Table 12). The largest category for all three groups was unskilled labour – 37.3 per cent of the alleging inmates, 37.5 per cent of witnesses, and 43 per cent of the control group.

In spite of the youthful age of the alleging inmates, only seven (8.4 per cent) were students and two (2.4 per cent) apprentices. The control group included almost as many students (5 per cent). Eight (9.6 per cent) of the alleging inmates were in the professional or semi-professional classes, compared with two (4 per cent) of the control group. Approximately equal proportions of alleging inmates and inmates in the control group had white-

collar jobs (16.8 per cent and 15 per cent, respectively). Eight (9.6 per cent) of the alleging inmates and 5 per cent of the control group were unemployed.

With respect to religious affiliation (Table 13), those professing a religious affiliation were 78 per cent of the alleging inmates, 89.5 per cent of the witnesses, and 95 per cent of the control group. Those showing no religious affiliation were 6, 4.2, and 5 per cent, respectively. The religions of 6 per cent of the alleging inmates and 6.3 per cent of the witnesses were not ascertainable. Since the degree of religious participation was not available for those who listed some religious affiliation, this statistic could not be meaningfully interpreted.

By way of summary, the personal characteristics that distinguished the involved inmates from those in the control group were age, marital status, place of residence, education, and the occupational category of semi-skilled worker. The inmates who made allegations were younger, more often single, and better educated, and were rarely employed as semi-skilled labour. Marital status and possibly education were dependent on age.

A consideration of the offences charged comes next; also, whether the inmate was on remand or sentenced, and, if sentenced, the length of his term.

The offences or alleged offences for which inmates were being detained at the time of the incidents are detailed in Table 14. Many of the inmates had multiple offences and charges, which posed some difficulties for analysis. The average number of offences for the alleging inmates was 1.78 and for the control group 1.3. For this reason, only the most serious, or, in the case of equal offences, the most frequent, offence of each person was used in analysis. The total number of offences or alleged offences and the average number per person are shown in Table 15.

The offences or alleged offences were grouped into five categories – offences against the person, property offences, breaches of the Liquor Control Act, traffic offences, and other offences. Significant differences between the alleging inmates and the control group were immediately apparent. Offences against the person were attributed to 19.5 per cent of the alleging inmates and 8.2 per cent of those in the control group, and property offences to 59.8 per cent of the alleging inmates and 27.1 per cent of those in the control group, whereas 18.8 per cent of the control group and no alleging inmates were detained for breaches of the Liquor Control Act. Traffic offences were the most serious offences attributed to 34.1 per cent of the control group and 4.9 per cent of the alleging inmates. The offences categorized as “other” were committed or allegedly committed by 15.9 per cent of the alleging inmates and 11.8 per cent of the control group (Table 16). The type of offence for which the inmate was being detained revealed a significant difference between the inmates involved in the incidents or alleged incidents and the population of the jail as a whole. Most (93.1 per cent) of the alleging inmates were being detained for more serious criminal activity than the members of the control group, more than half (52.9 per cent) of whom were being held on minor charges involving alcohol or traffic offences (Table 17).

Specific questions were asked as to the involvement of violence, aberrant

sexual behaviour, automobiles, alcohol, and drugs. While sex, automobiles, alcohol, and drugs were either negligible components of the offences or minor elements of more serious offences committed by the alleging inmates, traffic and alcohol were a more important component of the offences of the control group (Tables 18 and 19). Violence in the commission of offence was associated with 20.5 per cent of the alleging inmates and 8 per cent of the control group (Table 20). The type of offence may have contributed to the alleged use of excessive force by the correctional officers in two ways – the inmate's predisposition to deviant behaviour and the correctional officer's knowledge of the offences or alleged offences for which the inmate was being detained.

A three-way cross-tabulation, using both sentences and offences, is set out in Table 21. For all offences other than those involving alcohol or traffic, 62.5 per cent of the control group and 47.4 per cent of the alleging inmates were on remand. If the alcohol and traffic offences were to be excluded, the picture would change and the alleging inmate would be a sentenced inmate more often than an inmate of the control group.

None of the inmates in the samples was taking part in the Temporary Absence Program. Among those serving intermittent sentences there were three alleging inmates, one witness, and one in the control group.

The average stay in Ontario jails in recent years has varied between 10 and 15 days. In November 1977 it was calculated at 12 days. These figures are also approximately true of the Toronto Jail. Sentences of over three months are not usually served in the Toronto Jail unless there are extenuating circumstances, but our analysis showed that only 6.7 per cent of alleging inmates were serving sentences of 15 days or less, compared with 66.7 per cent of the control group (Table 22). Some 82.2 per cent of the sentenced inmates making allegations were serving sentences of more than three months. Only 8.8 per cent of the sentenced inmates in the control group were serving similarly long sentences (Table 23). It may be that a large proportion of the alleging inmates were either awaiting transfer to or had, at least temporarily, been transferred from another institution. Some were being held in the Toronto Jail awaiting appeal. The actual sentences that had been imposed on the inmates considered in our survey ranged from 15 days to 10 years for alleging inmates and from 15 days to 39 months for the control group. (Records of sentences of less than 15 days were not included.)

There was, therefore, a significant difference in the length of sentences imposed between alleging inmates and the control group.

It came as no surprise, then, to find that past criminal activities and experience also differed significantly between the alleging inmates and the control group. A previous criminal record was possessed by 82.9 per cent of alleging inmates, against 62.8 per cent of the control group (Table 24). The number of past offences was as large as 12 for 18.3 per cent of alleging inmates and for 17.0 per cent of the control group. Once an inmate has repeated offences, say five or six, the significance of his having double that number would not be great, behaviourally. The more important aspects were the nature of the offences and how recent they were. The number,

however, is not without some interest.

The use of violence in the commission of previous offences was not very different for the two groups – 39.7 per cent of alleging inmates and 32.2 per cent of the control group. The number of past offences with violence ranged from none to seven in both groups.

The difference between the alleging inmates and the control group was tested for each of the 22 categories of offences. Only in possession of a dangerous weapon (Table 25) and violation of parole, mandatory supervision, or probation (Table 26) were the groups noticeably different.

What has been the resulting experience in terms of sentences and institutional incarcerations? Very few inmates of either group were known to have received a suspended sentence or to have been fined.

Comparing only those with previous criminal records, previous probation had been experienced by 64.7 per cent of alleging inmates and 49.2 per cent of the control group (Table 27).

There was little difference between alleging inmates and members of the control group who had received jail sentences or fines. Among those with a previous criminal record, approximately 25 per cent of the alleging inmates and 28.8 per cent of the control group had received more than one previous jail or fine sentence. However, the range of jail or fine sentences was none to four for the control group and none to 23 for the alleging inmates. Among those with previous criminal records, the alleging inmates had experienced more commitments to jails and other provincial institutions and federal institutions (Table 28). Alleging inmates, on the average, had been sentenced to more time in jail than the control group and slightly more time in provincial institutions, but possibly to less time in federal institutions, although they had more commitments to federal institutions. The lengths of sentences, together with some explanatory notes, are set out in Table 29.

A comparison was made between inmates who were segregated for misconduct and those who were not segregated. Many inmates were placed in segregation at the time of, or because of, the alleged incidents. The inmates who were involved from 1968 to 1973 were more likely to have been segregated (81.5 per cent) than those who were involved in 1974 or 1975 (62.2 per cent) (Table 30). This did not necessarily indicate a trend to less use of segregation in the later years. Of the inmates making oral presentations, 79.1 per cent were in segregation, against 54.8 per cent of the inmates considered in the "write-in" complaints. The segregated inmates had been in the jail for an average of 50.24 days (adjusted average 31.95 days, omitting the extreme cases and thus giving a more representative picture of the group as a whole) and the inmates who were not segregated, 26.40 days (Table 31). The time spent in the jail prior to the alleged incidents ranged from one to 492 days for segregated inmates and from one to 180 days for those not in segregation. Therefore, not only was the extended time in jail more likely to result in violent confrontations between correctional officers and inmates, but the inmates were more likely to have been in segregation as a result of, or at the time of, the incident.

Comparisons were made for age, country of birth, residence, religion, and race. No personal characteristics significantly differentiated the segregated

inmates from those not segregated, although there was a tendency for the inmate of under 21 to be less frequently segregated than older inmates (Table 32).

Serving a sentence were 62 per cent of segregated inmates and 56.5 per cent of those not segregated (Table 33). In spite of the assertion that inmates serving sentences of more than three months were not usually held in the Toronto Jail, 83.3 per cent of sentenced inmates who were segregated, and 84.6 per cent of sentenced inmates who were not segregated, were serving sentences of more than three months (Table 34).

Neither the type of offence for which the inmate was being detained at the time of the incident, nor the use of violence in the offence were significantly associated with segregation. However, past experience was different for the two groups. Of the inmates who were segregated, 88.2 per cent had a previous criminal record, compared with 69.6 per cent of those not segregated (Table 35). Equal percentages had used violence in the past, but one-fifth of the inmates who were segregated for misbehaviour had a record of repeated acts of violence, compared with 6.3 per cent of those not segregated (Tables 36 and 37). It would seem that the potential for violent behaviour may have contributed to the removal of the men to segregation. The same trends were illustrated in previous aggressive offences against the person. The only other past offence that may have had a bearing on segregation was possession of a dangerous weapon – by 85.7 per cent of the segregated inmates and 14.3 per cent of those not segregated.

Probation experience and the total length of that experience may contribute to an inmate's ability to stay out of segregation during confrontations. Among those with a previous criminal record, 64.4 per cent of segregated inmates and 81.3 per cent of those not in segregation had experienced probation (Table 38). Also, 58.6 per cent of the segregated inmates and 92.3 per cent of those not in segregation had been on probation for a total of 24 to 66 months (Table 39). It may be that behaviour learned on probation helped inmates to avoid this form of punishment. It should be noted that s. 664(2)(b) of the Criminal Code limits probation on any one order to three years. Therefore, any period greater than 36 months would be a result of two or more probation orders.

Has previous institutional experience an association with either group? The percentage of inmates in segregation at the time of, or as a result of, the alleged incident, and who had been in custody previously, was 68 per cent, compared with 56.5 per cent of those who were not segregated at the time of, or as a result of, the alleged incident (Table 40).

B. CORRECTIONAL OFFICERS

A survey of the personal characteristics, training, and work experience of the 135 correctional officers who appeared before the Commission, either

as persons named in an allegation or as witnesses, was undertaken and some comparisons were made. An earlier study of a different nature, based on information from the personnel records at the Toronto Jail, had been made by P. D. Van Horne of the Ministry of Correctional Services in January 1974. The Van Horne study was entitled "Correctional Officers, a Personnel Perspective". Parts of it were helpful in such matters as age, education related experience, length of service, and overtime.

Information about the ethnic origin of the officers in the Toronto Jail was collected in March 1975 for the Human Rights Commission and was used in our survey as a control on the subject of country of birth.

The remaining data on the correctional officers involved in the allegations was gathered from transcripts of the Commission's hearings and from background statements obtained from individual correctional officers by the Commission's investigators in preparation for the various allegation cases.

The correctional officers who were involved in the alleged incidents were divided into three groups:

1. *Actively involved.* The officer was alleged to have taken part in the use of excessive force on an inmate.
2. *Passively involved.* (a) The officer did not strike the inmate but was present and in a position of authority as the officer in charge of the corridor or as a senior officer, or (b) the officer was involved in handling the inmate but was not alleged to have used excessive force.
3. *Witness.* (a) The officer was not present at the time of the assault but saw or heard the inmate later, or (b) the officer was in the vicinity but had no authority or involvement, or (c) the accused officer was called as a witness, having been misidentified by an inmate. (The officer was then shown not to have been on duty when the alleged incident took place; in some such cases, he was not even employed at the Toronto Jail at the time.)

The frequency of involvement is detailed in Table 41, and the number of correctional officers and the average number of incidents are set out in Table 42. Eighty-seven officers were named or implicated as actively involved, with an average of 3.08 incidents per officer; 41 officers were named or involved passively an average of 2.12 times; and 87 officers appeared as witnesses, but without apparent involvement, an average of 1.99 times per officer. It is striking that 23 officers were named in at least four allegations. Two officers were named in 17 and 11 allegations, respectively.

The creation of exclusive groups for the purpose of comparative analysis distributed the correctional officers as follows:

1. Named or actively involved	87
2. Named or passively involved	12
3. Witnesses	36

It was found that correctional officers who were alleged to have been actively involved in the allegations differed for the most part from the control group in age and education.

They tended to be younger than the control group at the time of the

incident, with seven years' difference in the average ages at the time of the first allegation and five years' difference at the time of the last allegation (Table 43). While the largest group (37.64 per cent) of correctional officers in the jail were between 44 and 54 years of age, 35 per cent of those actively involved were under 32 and another 32.5 per cent were between 33 and 43 at the time of the first allegation. Witnesses were also slightly younger than the average officer.

In his study, Mr. Van Horne said: "The available data concerning the average age of correctional officers in the Toronto Jail indicates that in general the staff are older than in many other institutions. This situation would tend to aggravate the existing difficulties between correctional officers and a youthful inmate population." In an updated report (September 1, 1975), Mr. Van Horne commented, with reference to the polarization between the older correctional officers and the younger inmates: "Maturity and the ability to work well with inmates is not restricted to any particular age group. . . . In fact, the older officer appears more likely to have fewer problems in his area of responsibility than the younger man with similar correctional experience."

The correctional officers in the jail who allegedly were actively involved in confrontations with inmates were more often among the younger officers, with an average age of 31.98, compared with an average age of 41.58 for those passively involved, 41.17 for those who witnessed incidents, and 45.88 for the control group (Table 43).

In his September 1975 report, Mr. Van Horne observed that, since January 1975, there had been a steady decline in the average age of correctional officers at the Toronto Jail, to approximately 40 years. The reason was that recruitment had produced an increase in the number of new officers aged between 25 and 35. Some correctional officers at the Toronto Jail, as well as in other institutions and jurisdictions, indicated to the Commission that the optimum difference in age between officer and inmate in a given corridor is five to 10 years.

Correctional officers who were actively involved in alleged incidents had slightly more formal education than officers in the control group, with an average of 11.24 years, compared with 10.10 years (Table 44). Approximately equal proportions had attained Grades X and XI, but there was considerable difference in the lower and higher grades. Of the control group, 29.40 per cent had not gone beyond Grade IX, compared with 6.8 per cent of those involved in the allegations. While 19.99 per cent of the control group had attained Grade XII, 43.2 per cent of those alleged to have been actively involved had achieved that level. Similar trends were noted for the witnesses, 52 per cent of whom had passed Grade XII.

In September 1975, Mr. Van Horne wrote: "The new education standards applied by the Ministry since January 1975 have had a definite effect on this figure (the average education level). The combination of new employees with Grade XII education or higher and older employees upgrading their education has produced an average educational level of Grade XI among the correctional officers."

The new Ministry requirement of Grade XII, while an encouragement for staff to improve their status and accomplishments, will not necessarily

have any direct effect on the incidence of use of unnecessary force, for statistically this problem seemed to be associated with those with more education. There is no evidence in this study to support the idea that raising the educational requirements would guarantee a more accommodating or considerate officer.

From a behavioural point of view, the fact that a person has a Grade XI or a Grade XII education may not be significant. There are many other factors, such as maturity, personality, and temperament, that are more important when it comes to dealing with inmates who might prove difficult. A higher level of education should mean increased adaptability to learning and training. On the other hand, the proof of an educated man is not in his number of years of schooling as much as in his ability to be receptive to new ideas. Nevertheless, with the increased educational opportunities of succeeding generations, today's equivalent of Grade XI in yesterday's labour market would probably be Grade XII. It may be that, because of today's widespread opportunities, departures from formal educational minimums to accommodate exceptionally mature and able persons will become less and less necessary as time goes on.

Table 45 shows the country of birth of the correctional officers actively involved in the allegations. Since the involvement concerned allegations that were not always proven, it did not necessarily indicate fault on the part of the correctional officer. In any event, the percentage "involved" corresponded closely to the percentage of officers of that country of origin. There was, therefore, no significant tendency of officers of a particular origin to become involved. The table is mainly of interest because it shows that many of the officers were schooled in the more disciplined society of the United Kingdom. It is also of interest in connection with the complaint of a few Canadian-born officers that there were not enough Canadian-born staff members. With reduced immigration and more young Canadian-born entering the Ministry's correctional officer stream, this picture will undoubtedly change.

In California there has been an attempt to legislate correlation of the racial composition of jail personnel with the racial composition of the population. It has been suggested from time to time that the racial composition of the Toronto Jail's staff should be correlated with that of the inmate population. I consider the Ontario practice of hiring on a non-discriminatory basis, rather than on a quota basis, to be preferable. It is interesting to note, in this regard, that the proportion of alleging inmates from the Caribbean and Central and South America (9.6 per cent) approximated closely (7.6 per cent) the proportion of correctional officers from those countries.

According to data provided by the Ministry of Correctional Services, recruitment from the United Kingdom dropped in 1975, while recruiting from Canada and the Caribbean increased.

Of correctional officers not born in Canada, the largest group of involved officers (35.3 per cent actively involved and 75 per cent passively involved) had lived in Canada for from six to 10 years (Table 46).

Race, also, was not always discernible from the available material. Of those for whom race was known, 94 per cent of the actively involved were white and 6 per cent were black, while 66.7 per cent of the witnesses were

white, 22.2 per cent were black, and 11.2 per cent were oriental (Table 47).

Equal percentages (approximately 82 per cent) of the correctional officers in the three groups were married and had an average of 2.3 children. A little more than one-half (53.2 per cent) lived in Toronto and 46.8 per cent lived in the suburbs. No tables are shown for these variables.

Previous work experience as a correctional officer or in a related field, such as military, police, security, or hospital work, has been considered as useful training. When we compare our sample with the Van Horne study, there is no indication that correctional officer training in other institutions makes any difference in the alleged use of excessive force (Table 48), for 17.05 per cent of the control group and 13.79 per cent of the actively involved officers had had previous experience as correctional officers. It should be noted that 25 per cent of the passively involved and 19.44 per cent of the witnesses had had previous correctional officer experience.

One-half of those alleged to have been actively involved had had previous related experience, consisting of military training by 46.7 per cent, police training by 21.2 per cent, private security work by 15.7 per cent, and hospital work by 6 per cent (Table 49). Only one-third of the control group had had similar training. This suggests that officers with a more disciplined previous work experience tended to become involved in confrontations with the less discipline-oriented inmates.

There was no significant difference in length of service in the Toronto Jail between the correctional officers who were allegedly actively involved and the control group (Table 50). However, there was a significant difference between these two groups and the witnesses, 63.6 per cent of whom had been employed for five years or less, compared with 42.5 per cent of the actively involved and 42.94 per cent of the control group. This difference was principally among correctional officers with one or two years' employment - 48.5 per cent of witnesses and 24.1 per cent of the actively involved (Table 51). These figures cannot be interpreted usefully, but they may indicate that a willingness to witness and not become involved may be associated with shorter employment or a different type of person being recruited.

There was a tendency for the first incidents to occur within the first year of employment at the jail, approximately one-third (31.3 per cent) taking place within that period, 20.5 per cent in the first six months, and 7.2 per cent in the first month (Table 52). The range extended to 22 years (and, including the last allegation, to 24 years).

The number of incidents would most likely be reduced by better training in the first months of employment, but 50 per cent of the first allegations were made after at least three years' experience and 50 per cent of the last allegations after five years' experience.

Correctional officers who were actively involved in the allegations worked an average of one and one-third times as much overtime as a random sample of C.O. 1s and C.O. 2s and twice as much as the average for the entire staff (Table 53). Working more than 15 hours of overtime a week were 44.1 per cent of the officers actively involved (Table 54). With the range extending to 40 hours of overtime a week, it is apparent that such excessive amounts of overtime are a contributing factor to loss of control. This became quite

apparent during the allegation hearings. To the credit of the Ministry and the Toronto Jail Superintendent and administrative officers, overtime was reduced. The small group of passively involved officers worked, on the average, the same number of hours as the entire population of C.O. 1s and C.O. 2s.

Table 55 refers to injuries received by correctional officers. Unfortunately, officers' duties involve some risks, and this is one of the reasons why they should have a wage scale different from that of other civil employees.

At the time of the first allegation, 37.8 per cent of the actively involved held the rank of C.O. 1 and 47.3 per cent that of C.O. 2 (Table 56). At the last allegation, 18.3 per cent held the rank of C.O. 1 and 56.7 per cent that of C.O. 2. The percentage of senior officers from first to last allegation increased from 15 to 25, but the substantial increase was from C.O. 1 to C.O. 2. Both of these may be accounted for on the basis of promotion being related to seniority.

Table 57 shows the number of promotions of involved officers from the time of the first allegation against them until the time of their appearance before the Commission. Of the actively involved, 63.5 per cent had received no promotion, 25.7 per cent were promoted once, and 10.9 per cent were promoted two to four times. No interpretation is possible without knowing what the promotional opportunities were, or what other criteria were considered. It is suggested that, in future, the findings on all inmate allegations should appear with the officers' records. Those cleared should not be prejudiced. Where the results are otherwise, it would at least be indicated that this was taken into account along with other factors when promotion was being considered.

The content of training has not been assessed in this survey, but data were collected on the courses taken by the officers since their initial employment by the Toronto Jail or the Ministry. Of the officers who were actively involved, 13 per cent claimed to have had no training other than that received from other officers on the job (Table 58). The correspondence course was completed by 23.7 per cent of the actively involved, a substitute course at the Toronto Jail by 4.6 per cent, the Guelph course by 66.2 per cent, and 13.8 per cent said they had written an examination after completing on-the-job training. Further training in management at Guelph was mentioned by 8 per cent. Similar percentages were determined for the witnesses.

Details of other courses, voluntarily undertaken, are supplied in Table 59. Of the correctional officers who were allegedly actively involved in the incidents, 6.9 per cent had taken courses in criminology or corrections ranging from one to three years, 12.6 per cent had taken one or two related courses in behavioural sciences or administration lasting from six months to three years, and 23 per cent had taken one, two, or three unrelated courses. Approximately two-thirds (64.4 per cent) of the actively involved had not participated in any course that was not directly related to their training program.

The witnesses had taken slightly more courses in criminology or corrections (8.4 per cent) but fewer other courses, and 80 per cent had taken no outside course.

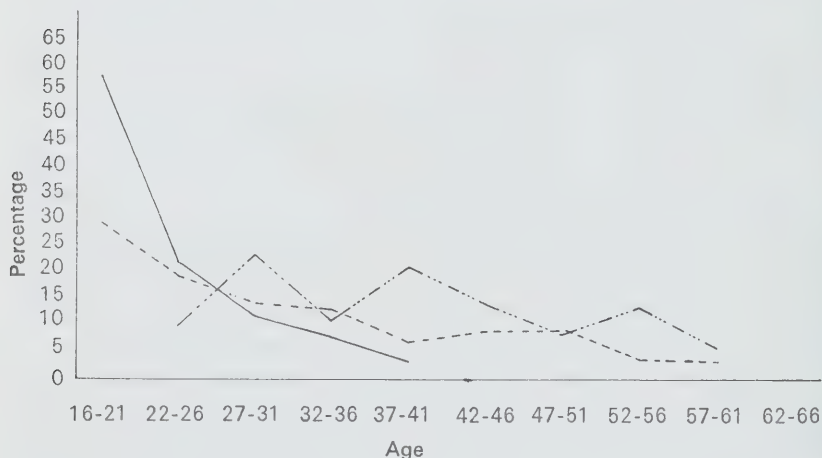
With the improvement in the Ministry's training methods and courses since the inception of this Commission, outside courses became less necessary for the majority of correctional officers. It is a sign of commendable interest when an officer takes an outside course related to the correctional field. It is certainly a step towards professionalism.

C. A COMPARISON BETWEEN ALLEGATING INMATES AND ALLEGEDLY INVOLVED CORRECTIONAL OFFICERS

The analysis of the individuals involved in violent incidents in the Toronto Jail would not be complete without a comparison between the alleging inmates and the correctional officers.

Figure 1 dramatically demonstrates that, not only are the alleging in-

Figure 1. Age – comparison between alleging inmates, the inmate control group, and correctional officers allegedly actively involved



		Mean	Median	Mode
Allegating inmates	—————	22.831	21	17
Control inmates	-----	30.250	27.5	17
Correctional officers	- · - · -	38.975	38.0	none

Allegating inmates – age at time of allegation.

Control inmates – age at time of admission.

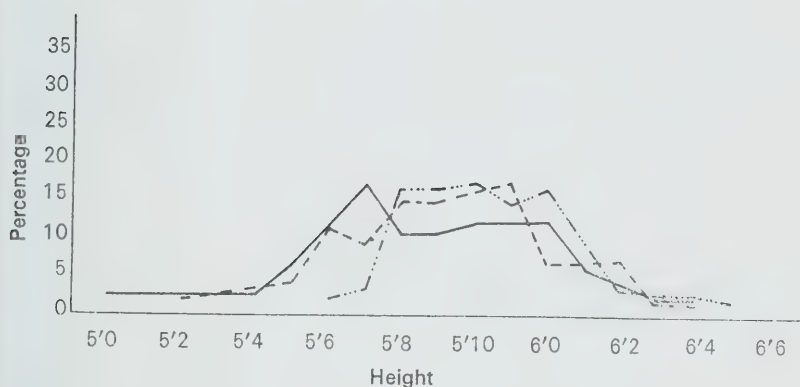
Correctional officers – age at time of first allegation.

For an explanation of "mean", "median", and "mode", see Table 2 (page 228).

mates much younger than the average member of the jail population, but they are also much younger than the average correctional officer. The average age of the inmates was 21.1 years, with 17 the most common age. The average age for the correctional officers was 38.98. This did not mean that the older officers were more likely to have difficulty with the young inmates. As pointed out earlier, this is not necessarily so.

As well as being much younger, the inmates were smaller in both height and weight. Figure 2 and Table 60 illustrate that while 37.7 per cent of the alleging inmates were under 5'8", only 4.9 per cent of the correctional officers were that short, and, while 31.7 per cent of the correctional officers were six feet or over, only 19.5 per cent of the inmates were that tall.

Figure 2. Height — comparison between alleging inmates, the inmate control group, and correctional officers allegedly actively involved

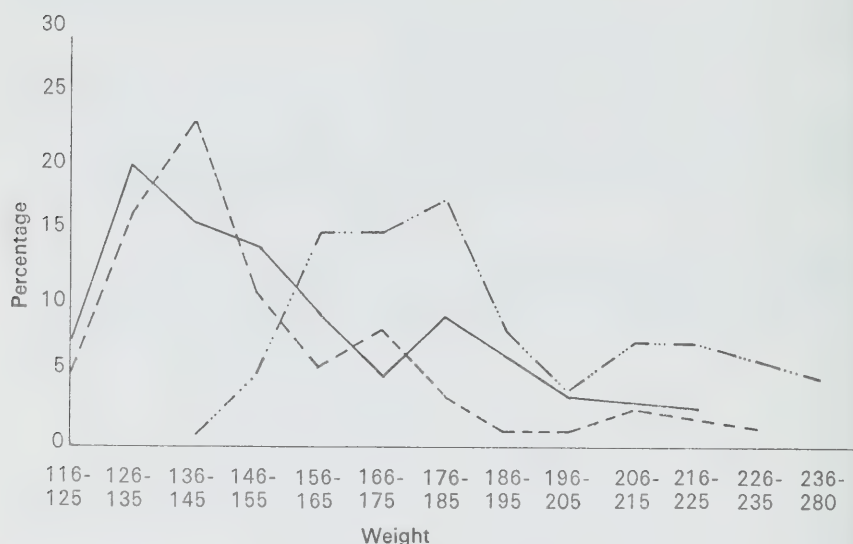


		Mean	Median	Mode
Alleging inmates	—————	5'8½"	5'8½"	5'7"
Control inmates	- - - - -	5'9"	5'9"	5'11"
Correctional officers	5'10½"	5'11"	5'10"

Also pronounced was the difference in weight (Figure 3), the average for the correctional officers being 188.1 pounds, compared with 152.3 pounds for the inmates. The most common weight for inmates was 135 pounds, and, for correctional officers, 180 pounds.

The difference in marital status is shown in Table 61. Three-quarters (74.36 per cent) of the inmates were single, compared with 13.4 per cent of the correctional officers.

Another area of difference was country of birth (Table 62). Approximately 80 per cent of all inmates were born in Canada, while 57.9 per cent of the correctional officers named or implicated were born in the United Kingdom. As has already been mentioned, the number of correctional officers

Figure 3. Weight distribution — comparison between alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Mean</i>	<i>Median</i>	<i>Mode</i>
Alleging inmates	152.3	147	135
Control inmates	152.8	145	none
Correctional officers	188.1	179	180

born in the United Kingdom who were involved in incidents was not greatly disproportionate to their numbers on the jail staff.

Table 63 shows that 38.46 per cent of the alleging inmates and 52.63 per cent of the inmate control group had been in Canada for less than six years, while only 15.7 per cent of the actively involved correctional officers were that new to this country. One-half of the correctional officers had been in Canada for more than 10 years, and more than one-fifth had been in Canada for more than 20 years.

Commenting on the educational level of the correctional officers, Mr. Van Horne stated in his study: "The educational level of the average correctional officer at the Toronto Jail is somewhat lower than that found in other institutions. The average educational level of the inmate population appears to be equalling or exceeding this level. This would appear to be an added problem in the relationship between the correctional officer and the inmates he must supervise."

Although this might be valid in connection with the matter of relations between correctional officers and inmates generally, and perhaps with re-

habilitation specifically, strangely, it was not reflected in the incidence of confrontations. In connection with allegations of use of excessive force, the educational level of these correctional officers exceeded that of the inmates by an average of two years (Table 64). There could therefore be a fallacy in thinking that it is the least educated officer who is more likely to become violently involved. There seems to be no association between the level of education attained by a correctional officer and his alleged use of force. On the other hand, it is interesting to note that, of the alleging inmates, 29 per cent had completed Grade VIII, against only 2.7 per cent of actively involved officers. Approximately four-fifths of the alleging inmates had not gone beyond Grade X, against less than two-fifths of actively involved correctional officers. In fact, the actively involved officers were among the best educated people in the institution, whereas the alleging inmates were mostly at the other end of the scale.

INMATES

Table 1. Number of allegations per inmate

		%
One	72	86.7
Two	5	6.0
Three	2	2.4
Four	4	4.8
Total	83	100.0
Total number of allegations surveyed	104	

Table 2. Days in Toronto Jail at time of incidents

		<i>Number of allegating inmates</i>		%
Mean ¹	39.333	—	—	
Median ²	15	—	—	
Mode ³	1	19	26.4	
Over 3 months	—	9	12.5	
Range	1 to 492	—	—	
Average length of stay in Toronto Jail for all inmates — 10 days.				
Maximum sentence served in Toronto Jail — 3 months.				

1. Mean — average.

2. Median — mid point between highest and lowest.

3. Mode — category into which largest number fall.

Table 3. Inmates in segregation as a result of incidents

	<i>For misconduct</i>		<i>For other reasons</i>		<i>Not in segregation</i>		<i>Total</i>	
	%		%		%		%	
Allegation brought forward in oral presentation	34	73.9	1	2.2	9	19.6	46	35.1
Allegation brought forward in written summary	17	45.9	6	16.2	14	37.8	37	28.2
Witnesses	3	6.3	1	2.1	44	91.7	48	36.6
Total	54	41.2	8	6.1	67	51.1	131	100.0

Table 4. Age distribution of inmates

	<i>Allegating inmates</i> %		<i>Witnesses</i> %		<i>Control group</i> %	
16-20	36	43	16	33	26	26
21-28	34	41	17	36	24	24
29-64	13	16	15	31	50	50
Total	83	100.0	48	100.0	100	100.0

Table 5. Age distribution of alleging inmates who made oral submissions or written submissions

	<i>Oral submissions</i> %	<i>Written submissions</i> %
Under 22	65.2	45.9
22 or over	34.8	54.1

Table 6. Marital status – alleging inmates and control group

	<i>Married</i> %		<i>Single</i> %		<i>Total</i> %	
Allegating inmates	16	21.6	58	78.4	74	43.0
Control group	39	39.8	59	60.2	98	57.0
Total	55	32.0	117	68.0	172	100.0

Omitted from table: 6 widowed, divorced, separated.
Non-ascertainable: 5.

Table 7. Inmates' countries of birth

	<i>Allegating inmates</i> %		<i>Witnesses</i> %		<i>Control group</i> %	
Canada	67	80.7	36	75.0	81	81.0
United Kingdom	3	3.6	1	2.1	2	2.0
Other European	3	3.6	4	8.3	6	6.0
Caribbean, Central America, and South America	8	9.6	1	2.1	2	2.0
U.S.A.	1	1.2	4	8.3	7	7.0
Other	—	—	1	2.1	2	2.0
Non-ascertainable	1	1.2	1	2.1	—	—
Total	83	100.0	48	100.0	100	100.0

Table 8. Years in Canada – inmates

	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
2 or less	1	1.2	6	12.5	8	8.0
3 to 10	8	9.6	2	4.2	3	3.0
Over 10	4	4.8	4	8.4	8	8.0
Non-ascertainable	3	3.6	—	—	—	—
Born in Canada	67	80.7	36	75.0	81	81.0
Total	83	100.0	48	100.0	100	100.0
Average	9.62 years		6.58 years		8.74 years	

Table 9. Residence of inmates

	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
Toronto	50	60.2	42	87.5	88	88.0
Places over 50,000 in population	20	24.1	—	—	5	5.0
2,500 to 49,999	6	7.2	1	2.1	1	1.0
Under 2,500	—	—	1	2.1	—	—
Non-ascertainable	7	8.4	4	8.3	6	6.0
Total	83	100.0	48	100.0	100	100.0

Table 10. Education of alleging inmates and control group

	<i>Elementary</i>		<i>Superior</i>		<i>Total</i>	
		%		%		%
Allegating inmates	22	28.6	55	71.4	77	44.0
Control group	46	46.9	52	53.1	98	56.0
Total	68	38.9	107	61.1	175	100.0

Table 11. Education of inmates

<i>Grades</i>	<i>Allegating inmates</i>		<i>Witnesses</i>	
		<i>%</i>		<i>%</i>
I-VIII	20	29.0	12	27.3
IX-X	35	50.7	19	43.2
Over X	14	20.3	14	29.5
Non-ascertainable	(14)		(3)	
Total	83	100.0	48	100.0
Average	9.2 years		10 years	
Mode	10 years		10 years	

A breakdown in specific grades was not available for the control group. The admission records at the Toronto Jail indicate elementary or superior education only.

Table 12. Occupational status¹ of inmates

	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Professional	2	2.4	2	4.2	3	3.0
Semi-professional	6	7.2	2	4.2	1	1.0
Owner of large business	—	—	2	4.2	—	—
Manager or official of small business	2	2.4	—	—	3	3.0
Sales	4	4.8	4	8.3	7	7.0
Clerical	1	1.2	2	4.2	1	1.0
Skilled	9	10.8	3	6.3	7	7.0
Semi-skilled	4	4.8	6	12.5	23	23.0
Unskilled	31	37.3	18	37.5	43	43.0
Apprentice to craftsman	2	2.4	—	—	—	—
Student	7	8.4	1	2.1	5	5.0
No job, intermittent work	8	9.6	7	14.6	5	5.0
Other ²	—	—	—	—	1	1.0
Non-ascertainable	7	8.4	1	2.1	1	1.0
Total	83	100.0	48	100.0	100	100.0

1. There were no inmates in three categories — owner of small business, manager or official of large business, foreman.

2. Pensioner.

Source: The scale was enlarged from the work of Peter C. Pineo and John Porter, "Occupational Prestige in Canada", *Canadian Journal of Sociology and Anthropology*, Vol. 4, No. 1, 1967.

Table 13. Religion of inmates

	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
PROFESSING AN AFFILIATION						
Roman Catholic	25	30.1	18	37.5	36	36.0
United Church	8	9.6	7	14.6	12	12.0
Anglican	12	14.5	5	10.4	15	15.0
Presbyterian	17	20.5	7	14.6	18	18.0
Baptist	2	2.4	4	8.3	5	5.0
Salvation Army	1	1.2	—	—	—	—
Other Protestant	6	7.2	2	4.2	3	3.0
Other	2	2.4	—	—	6	6.0
PROFESSING NO AFFILIATION	5	6.0	2	4.2	5	5.0
Non-ascertainable	5	6.0	3	6.3	—	—
Total	83	100.0	48	100.0	100	100.0

Table 14. Most serious or frequent charges for which the inmates were being detained at time of incidents or had been sentenced¹

<i>Offence</i>	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
Capital or non-capital murder, manslaughter, or conspiracy to commit	6	7.2	3	6.3	—	—
Rape or indecent assault with or without bodily harm on an adult	3	3.6	5	10.4	—	—
Indecent assault on a juvenile, including any sexual offence against a juvenile	—	—	—	—	1	1.0
Other assault with or without bodily harm	5	6.0	4	8.3	5	5.0
Other sexual offence	1	1.2	—	—	1	1.0
Other offences against the person	1	1.2	—	—	—	—
Robbery	7	8.4	5	10.4	2	2.0
Break, enter, and theft, committing or attempting	14	16.9	7	14.6	5	5.0

Table 14.—Continued

<i>Offence</i>	<i>Allegating inmates %</i>		<i>Witnesses %</i>		<i>Control group %</i>	
Theft of auto or taking auto without consent	4	4.8	1	2.1	—	—
Theft other	11	13.3	8	16.7	5	5.0
Receiving or possessing stolen goods	7	8.4	7	14.6	6	6.0
Fraud, forgery, uttering, personation, or conspiring to commit	5	6.0	5	10.4	3	3.0
Other property offences	1	1.2	—	—	—	—
Possession of drugs for trafficking	2	2.4	—	—	2	2.0
Possession of drugs for use, or not specified	1	1.2	—	—	1	1.0
Offence involving alcohol	—	—	—	—	16	16.0
Prison break, escaping custody, unlawfully at large	1	1.2	—	—	—	—
Violation of parole or probation	—	—	—	—	—	—
Failure to appear	—	—	—	—	—	—
Traffic offence	4	4.8	—	—	29	29.0
Possession of dangerous, concealed, or unlawful weapon	4	4.8	1	2.1	2	2.0
Other	5	6.0	—	—	5	5.0
Non-ascertainable	1	1.2	2	4.2	15	15.0
Total	83	100.0	48	100.0	100	100.0

1. Since an inmate may have been involved in a number of offences, only the most serious or, among equal offences, the most frequent, were used.

Table 15. Total number of offences or alleged offences for which inmates were being detained at time of incidents or had been sentenced

<i>Offence</i>	<i>Allegating inmates (83)</i>		<i>Witnesses (48)</i>		<i>Control group (100)</i>	
	<i>Number of offences</i>	<i>Percentage of inmates</i>	<i>Number of offences</i>	<i>Percentage of inmates</i>	<i>Number of offences</i>	<i>Percentage of inmates</i>
Capital or non-capital murder, manslaughter, or conspiracy to commit	6	7.23	3	6.25	—	—
Rape or indecent assault with or without bodily harm on an adult	3	3.61	6	12.50	—	—
Indecent assault on a juvenile, including any sexual offence against a juvenile	—	—	—	—	1	1.0
Other assault with or without bodily harm	8	9.64	4	8.33	7	7.0
Other sexual offence	2	2.41	5	10.42	1	1.0
Other offences against the person	1	1.20	1	2.08	—	—
Robbery	7	8.43	7	14.58	2	2.0
Break, enter, and theft, committing or attempting	16	19.28	8	16.67	5	5.0
Theft of auto or taking auto without consent	5	6.02	1	2.08	2	2.0
Theft other	17	20.48	8	16.67	9	9.0
Receiving or possessing stolen goods	12	14.46	12	25.00	12	12.0
Fraud, forgery, uttering, personation, or conspiring to commit	13	15.66	11	22.92	5	5.0
Other property offences	4	4.82	—	—	5	5.0
Possession of drugs for trafficking	2	2.41	—	—	2	2.0

Table 17. Traffic offences or alleged traffic offences and breaches or alleged breaches of the Liquor Control Act for which inmates were being detained at time of incidents or had been sentenced

	<i>Traffic alcohol</i>		<i>Other</i>		<i>Total</i>	
		%		%		%
Allegating inmates	4	4.9	78	95.1	82	49.1
Control group	45	52.9	40	47.1	85	50.9
Total	49	29.3	118	70.7	167	100.0

Table 18. The involvement of alcohol in the offences or alleged offences for which the inmates were being detained at time of incidents or had been sentenced

<i>Involved alcohol</i>	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
Involved alcohol	1	1.2	—	—	19	19.0
Did not involve alcohol	81	97.6	48	100.0	66	66.0
Non-ascertainable	1	1.2	—	—	15	15.0
Total	83	100.0	48	100.0	100	100.0

Table 19. Ascertainable traffic offences or alleged traffic offences for which the inmates were being detained at time of incidents or had been sentenced

	<i>Yes</i>		<i>No</i>		<i>Total</i>	
		%		%		%
Allegating inmates	6	8.0	69	92.0	75	47.5
Control group	29	34.9	54	65.1	83	52.5
Total	35	22.2	123	77.8	158	100.0

Table 20. The presence of violence in the offences or alleged offences for which the inmates were being detained at time of incidents or had been sentenced

<i>Involved violence</i>	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
Involved violence	17	20.5	12	25.0	8	8.0
Did not involve violence	65	78.3	35	72.9	77	77.0
Non-ascertainable	1	1.2	1	2.1	15	15.0
Total	83	100.0	48	100.0	100	100.0

Table 21. Three-way cross-tabulation of offences by alleging inmates and the control group, indicating whether on remand or sentenced

	<i>Alcohol, traffic</i>				<i>Other offences</i>			
	<i>Remand</i>		<i>Sentence</i>		<i>Remand</i>		<i>Sentence</i>	
		%		%		%		%
Allegating inmates	—	—	4	100.0	37	47.4	41	52.6
Control group	3	6.7	42	93.3	25	62.5	15	37.5

Sentence status for inmates involved in incidents and witnesses refers to status at the time of the incident; for the control group, status on admission has been used.

Table 22. Sentence length — inmates

	<i>Allegating inmates</i>		<i>Witnesses</i>		<i>Control group</i>	
		%		%		%
15 days or less	3	6.7	—	—	38	66.7
16 days to 12 months	17	37.7	7	30.4	17	29.8
12 months to 120 months	25	55.6	16	69.6	2	3.5
Non-ascertainable	—	—	(1)	—	—	—
Total	45	100.0	24	100.0	57	100.0

Table 23. Length of sentences of sentenced alleging inmates and control group

	<i>Up to 3 months</i>		<i>Over 3 months</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Allegating inmates	8	17.8	37	82.2	45	44.1
Control group	52	91.2	5	8.8	57	55.9
Total	60	58.8	42	41.2	102	100.0

Table 24. Previous criminal records of inmates

	<i>Yes</i>		<i>No</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Allegating inmates	68	82.9	14	17.1	82	46.6
Control group	59	62.8	35	37.2	94	53.4
Total	127	72.2	49	27.8	176	100.0

Table 25. Past offences involving possession of dangerous weapon, or dangerous use of firearm

	<i>No</i>		<i>Yes</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Allegating inmates	50	73.5	18	26.5	68	53.5
Control group	53	89.8	6	10.2	59	46.5
Total	103	81.1	24	18.9	127	100.0

Table 26. Past offences involving violation of parole, mandatory supervision, or probation

	<i>No</i>		<i>Yes</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Allegating inmates	54	79.4	14	20.6	68	53.5
Control group	55	93.2	4	6.8	59	46.5
Total	109	85.8	18	14.2	127	100.0

Table 27. Probation experience of inmates

	<i>No probation experience</i>		<i>Probation experience</i>		<i>Total</i>	
		%		%		%
Allegating inmates	24	35.3	44	64.7	68	53.5
Control group	30	50.8	29	49.2	59	46.5
Total	54	42.5	73	57.5	127	100.0

Table 28. Previous institutional experience of inmates

<i>Institution</i>	<i>Allegating inmates</i>		<i>Control group</i>	
		%		%
Jail	35	53.0	27	45.7
Other provincial institution	45	67.2	34	58.6
Federal penitentiary	13	19.1	5	8.5

Table 29. Total number of months of previous incarceration of inmates

<i>Institution</i>	<i>Allegating inmates</i>		<i>Control group</i>	
Jail				
Mean	5.1		3.64	
Median	2		1	
Range	1-30		1-23	
Other provincial institution				
Mean	31.50		29.42	
Median	20		19	
Range	1-159		1-150	
Federal institution				
Mean	76.27		63.0	
Median	27		42	
Range	5-360		18-129	
Unidentified institution				
Mean	58.50		16.0	
Median	9.5		2	
Range	1-225		1-45	
Total mean	168.74		171.06	

For an approximation of the time actually served, reduce the sentence length by one-third to compensate for statutory remission, parole, ticket of leave, etc.

To adjust the mean so that it is representative of the group as a whole, the extreme (untypical) sentences were omitted.

The mean totals of months served for allegating inmates and control group are almost the same.

Table 30. Allegating inmates segregated for misconduct and not segregated, according to period of allegation

	<i>1968-73</i>		<i>1974-5</i>	
		<i>%</i>		<i>%</i>
Segregated	22	81.5	28	62.2
Not segregated	5	18.5	17	37.8
Total	27	37.5	45	62.5

Table 31. Number of days in jail before the incident, segregated and not segregated

	<i>Mean</i>	<i>Median</i>	<i>Range</i>	<i>Percentage over 30 days</i>
Segregated	50.24	17	1-492	40
Not segregated	26.40	17	1-188	25

Table 32. Age of alleging inmates, segregated and not segregated

	<i>16-20</i>		<i>21-28</i>		<i>29-64</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>		<i>%</i>
Segregated	21	41.2	24	47.1	6	11.8	51	68
Not segregated	13	56.5	8	34.8	2	8.7	23	31
Total	34	45.9	32	43.2	8	10.8	74	100

Table 33. Allegating inmates on remand or sentenced, segregated and not segregated

	<i>On remand</i>		<i>Sentenced</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Segregated	19	38.0	31	62.0	50	68.5
Not segregated	10	43.5	13	56.5	23	31.5
Total	29	39.7	44	60.3	73	100.0

Table 34. Length of sentence of alleging inmates, segregated and not segregated

	<i>Up to three months</i>		<i>Over three months</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Segregated	5	16.7	25	83.3	30	69.8
Not segregated	2	15.4	11	84.6	13	30.2
Total	7	16.3	36	83.7	43	100.0

Table 35. Alleging inmates with previous criminal records, segregated and not segregated

	<i>Yes</i>		<i>No</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
Segregated	45	88.2	6	11.8	51	68.9
Not segregated	16	69.6	7	30.4	23	31.1
Total	61	82.4	13	17.6	74	100.0

Table 36. Number of previous offences with violence of alleging inmates, segregated and not segregated

	<i>None</i>		<i>One</i>		<i>More than one</i>		<i>Total</i>	
		<i>%</i>		<i>%</i>		<i>%</i>		<i>%</i>
Segregated	29	64.4	7	15.6	9	20.0	45	73.8
Not segregated	10	62.5	5	31.3	1	6.3	16	26.2
Total	39	63.9	12	19.7	10	16.4	61	100.0

Table 37. Number of past offences with violence of alleging inmates, segregated and not segregated

	<i>Segregated</i>		<i>Not segregated</i>	
		<i>%</i>		<i>%</i>
None	29	56.9	10	43.5
1	7	13.7	5	21.7
2	5	9.8	—	—
3	1	2.0	—	—
4	2	3.9	—	—
5	1	2.0	—	—
7	—	—	1	4.3
No past offence	6	11.8	7	30.4
Total	51	100.0	23	100.0

Non-ascertainable - 9.

Table 38. Probation experience of alleging inmates, segregated and not segregated

	<i>No probation experience</i> %		<i>Probation experience</i> %		<i>Total</i> %	
Segregated	16	35.6	29	64.4	45	73.8
Not segregated	3	18.8	13	81.3	16	26.2
Total	19	31.1	42	68.9	61	100.0

Table 39. Total length of periods of probation of alleging inmates, segregated and not segregated

	<i>6 to 18 months</i> %		<i>24 to 66 months</i> %		<i>Total</i> %	
Segregated	12	41.4	17	58.6	29	69.0
Not segregated	1	7.7	12	92.3	13	31.0
Total	13	31.0	29	69.0	42	100.0

Table 40. Previous custodial experience of alleging inmates

	<i>Not previously in custody</i> %		<i>Previous custodial experience</i> %		<i>Total</i> %	
Segregated (at time of or as a result of alleged incident)	16	32.0	34	68.0	50	68.5
Not segregated (at time of or as a result of alleged incident)	10	43.5	13	56.5	23	31.5
Total	26	35.6	47	64.3	73	100.0

CORRECTIONAL OFFICERS

Table 41. Frequency of involvement of correctional officers in alleged incidents

Number of times	Actively involved		Passively involved		Witnessed incident	
		%		%		%
None	48	35.6	84	62.2	48	35.6
1	32	23.7	32	23.7	49	36.3
2	17	12.6	8	5.9	16	11.9
3	15	11.1	6	4.4	10	7.4
4	8	5.9	4	3.0	5	3.7
5	5	3.7	1	0.7	5	3.7
6	1	0.7	—	—	1	0.7
7	4	3.0	—	—	1	0.7
8	1	0.7	—	—	—	—
9	2	1.5	—	—	—	—
11	1	0.7	—	—	—	—
17	1	0.7	—	—	—	—
Total	135	100.0	135	100.0	135	100.0

Table 42. Correctional officers allegedly involved in incidents

	Actively involved	Passively involved	Witnessed incident
Number of correctional officers	87	41	87
Mean number of incidents per officer	3.08	2.12	1.99
Range of incidents per officer	1-17	1-5	1-7

Twenty-three officers were allegedly involved in four or more allegations.

Table 43. Age of officers allegedly involved in incidents and the control group

	Actively involved at first allegation		Passively involved at first allegation		Witnessed incident		Control group	
		%		%		%		%
22-32	28	35.0	1	8.3	7	23.3	30	17.64
33-43	26	32.5	6	50.0	11	36.7	42	24.73
44-54	19	23.8	5	41.7	10	33.3	64	37.64
55-65	7	8.7	—	—	2	6.7	34	19.99
Total	80	100.0	12	100.0	30	100.0	170	100.00
Mean	38.98		41.58		41.17		45.88	

The supplementary report by P. D. Van Horne dated Sept. 1, 1975, showed that recruitment of officers aged between 25 and 35 had decreased the average age to 40.

Table 44. Education of correctional officers allegedly involved in incidents and the control group

<i>Grades</i>	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>		<i>Control group</i>	
		%		%		%		%
VIII and less	2	2.7	—	—	2	8.6	32	18.82
IX	3	4.1	—	—	—	—	18	10.58
X	23	31.1	—	—	6	26.0	59	34.73
XI	14	18.9	3	42.9	3	13.0	27	15.88
XII	20	27.0	4	57.1	7	30.4	29	17.05
Post-secondary	12	16.2	—	—	5	21.6	5	2.94
Total	74	100.0	7	100.0	23	100.0	170	100.0
Mean	11.24		11.57		11.30		10.10 ¹	

1. The supplementary report by P. D. Van Horne dated Sept. 1, 1975, stated: "A combination of new recruitments with Grade XII or higher and upgrading of education raised the average educational level to Grade XI."

Table 45. Country of birth of correctional officers allegedly involved in incidents and the control group

<i>Ethnic origin</i>	<i>Actively involved</i>	<i>Passively involved</i>	<i>Witnessed incident</i>	<i>Control group</i>
	%	%	%	%
Canada	26.5	41.7	48.6	31.3
United Kingdom	57.9	41.6	32.2	54.9
Other European	3.6	—	—	4.6
Caribbean, Central and South America	6.0	16.7	25.0	7.6
Other	6.0	—	14.3	2.3
Non-ascertainable (number)	4	—	8	19
Total number	87	12	36	150

Table 46. Number of years in Canada — correctional officers

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		%		%		%
1-5	8	15.7	1	25.0	7	38.9
6-10	18	35.3	3	75.0	5	27.8
11-20	14	27.5	—	—	4	22.2
Over 20	11	21.6	—	—	2	11.1
Born in Canada	(22)	—	(5)	—	(8)	—
Non-ascertainable	(14)	—	(3)	—	(10)	—
Total	87	100.0	12	100.0	36	100.0
Median	9.5 years		6.0 years		7.0 years	
Range	1-55 years		1-9 years		1-31 years	

No control group information was used for this table.

Table 47. Race – correctional officers

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		%		%		%
Caucasian	63	94.0	7	77.8	12	66.7
Negroid	4	6.0	2	22.2	4	22.2
Oriental	—	—	—	—	2	11.2
Non-ascertainable	(20)	—	(3)	—	(18)	—
Total	87	100.0	12	100.0	36	100.0

No control group information was used for this table.

Table 48. Previous experience of correctional officers allegedly involved in incidents and the control group

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>		<i>Control group</i>	
		%		%		%		%
Correctional officers ¹	12	13.79	3	25.0	7	19.44	29	17.05
Related experience (police, armed forces, security, hospital)	45	51.73	4	33.33	15	41.67	58	34.13
No previous experience recorded	30	34.48	5	41.67	14	38.89	83	48.82
Total	87	100.0	12	100.0	36	100.0	170	100.0

1. Includes all other experience as a correctional officer.

Table 49. Work experience of correctional officers allegedly involved in incidents

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		%		%		%
<i>Military training</i>	35	46.7	3	37.5	7	28.0
Military police	6	8.62	1	12.5	—	—
Other	29	41.4	2	25.0	7	28.0
Mean number of years	6.290		5.0		10.80	
Range of years	1-18		3-8		4-22	
<i>Police training</i>	18	21.2	4	33.3	13	43.3
Mean number of years	7.625		5.50		8.083	
Range of years	1-30		3-9		1-18	
<i>Private security etc.</i> ¹	13	15.7	—	—	1	3.8

Table 49.—Continued

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		%		%		%
Mean number of years	4.091		—	—	1.0	
Range of years	1-14		—	—	1	
<i>Hospital work</i> ²	5	6.0	1	9.1	5	19.2
Mean number of years	3.0		5.0		1.40	
Range of years	1-5		5		1-3	
<i>Correctional services</i> ³	4	4.7	—	—	3	10.3
Mean number of years	3.750		—	—	8.667	
Range of years	1-7		—	—	1-15	

1. Includes security guard, investigator, bouncer.

2. Includes orderly, nurse, attendant, social worker.

3. Other than Toronto Jail or Ministry of Correctional Services.

Table 50. Years of employment at the Toronto Jail of correctional officers allegedly involved and the control group

	<i>Toronto Jail</i>		<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		%		%		%		%
0-5	73	42.94 ¹	34	42.5	4	36.7	21	63.6
6-11	38	22.35	22	27.5	5	45.3	6	18.2
12-17	46	27.07	17	21.2	1	9.0	5	15.2
18 and over	13	7.64	7	8.8	1	9.0	1	3.0
Total	170	100.00	80	100.0	11	100.0	33	100.0
Mean	8.44		7.987		7.455		5.355	

1. The Van Horne Supplementary Report, dated Sept. 1, 1975, stated — "The largest group, having five years' experience or less, had expanded to 50 per cent."

Table 51. Years of employment at the Toronto Jail of correctional officers allegedly actively involved and witnesses

	<i>1-2</i>		<i>3-7</i>		<i>Over 7</i>		<i>Total</i>	
		%		%		%		%
Actively involved	20	24.1	31	37.3	32	38.6	83	71.6
Witness	16	48.5	8	24.2	9	27.3	33	28.4
Total	36	31.0	39	33.7	41	35.3	116	100.0

Table 52. Months of employment of correctional officers at the Toronto Jail before first and last allegations

	<i>Before first allegation</i>				<i>Before last allegation</i>			
	<i>Actively involved</i>		<i>Passively involved</i>		<i>Actively involved</i>		<i>Passively involved</i>	
	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>
One or less	6	7.2	—	—	—	—	—	—
2-6	11	13.3	—	—	5	7.8	—	—
7-12	9	10.8	1	9.1	5	7.8	—	—
13-24	8	9.6	2	18.2	6	9.4	—	—
25-36	7	8.4	3	27.3	4	6.3	—	—
37-48	6	7.2	1	9.1	8	12.5	—	—
49-60	6	7.2	1	9.1	5	7.8	—	—
Over 60	30	36.1	3	27.3	31	48.4	1	100.0
One allegation only	—	—	—	—	(22)	—	(10)	—
Non-ascertainable	(4)	—	(1)	—	(1)	—	(1)	—
Total	87	100.0	12	100.0	87	100.0	12	100.0
Median	37		33.5		59		64	
Range	1-264		9-156		2-285		64	

Table 53. Overtime worked by correctional officers allegedly involved in incidents and the control group

	<i>Average hours of overtime per week</i>
Toronto Jail	6.12
Toronto Jail, C.O. 1s and C.O. 2s	8.51
Actively involved	12.22
Passively involved	8.56
Witness	12.69

Table 54. Hours of overtime

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>	<i>n</i>	<i>%</i>
None	11	18.6	2	22.2	2	12.5
1-15	22	37.3	4	44.5	9	56.3
Over 15	26	44.1	3	33.3	5	31.3
Non-ascertainable	(28)		(3)		(20)	
Total	87	100.0	12	100.0	36	100.0
Mean	12.22		8.56		12.69	
Range	0-40		0-20		0-28	

Table 55. Officers injured while performing duties involving inmates

	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
One	15	22.7	4	40.0	1	6.3
More than one	32	48.5	—	—	3	18.8
None	19	28.8	6	60.0	12	75.0
Non-ascertainable	(21)	—	(2)	—	(20)	—
Total	87	100.0	12	100.0	36	100.0

Table 56. Rank of officer at time of first and last allegations against him

	<i>Actively involved</i>		<i>Passively involved</i>	
		<i>%</i>		<i>%</i>
<i>At time of first allegation</i>				
C.O. 1	28	37.8	—	—
C.O. 2	35	47.3	8	100.0
C.O. 3	1	1.4	—	—
C.O. 4	5	6.8	—	—
C.O. 5 or C.O. 6	2	2.7	—	—
Assistant Superintendent	1	1.4	—	—
Deputy Superintendent	2	2.7	—	—
Superintendent	—	—	—	—
Non-ascertainable	(13)	—	(4)	—
Total	87	100.0	12	100.0
<i>At time of last allegation</i>				
C.O. 1	11	18.3	—	—
C.O. 2	34	56.7	1	100.0
C.O. 3	3	5.0	—	—
C.O. 4	4	6.7	—	—
C.O. 5 or C.O. 6	5	8.3	—	—
Assistant Superintendent	—	—	—	—
Deputy Superintendent	3	5.0	—	—
Superintendent	—	—	—	—
Inapplicable (no second allegation)	(22)	—	(10)	—
Non-ascertainable	(5)	—	(1)	—
Total	87	100.0	12	100.0

Table 57. Number of promotions from first allegation to appearance before Commission

	<i>Actively involved</i> %		<i>Passively involved</i> %	
None	47	63.5	7	87.5
1	19	25.7	—	—
2	4	5.4	1	12.5
3	3	4.1	—	—
4	1	1.4	—	—
Total	74	100.0	8	100.0

Table 58. Correctional services training¹ of officers appearing before the Commission

	<i>Actively involved</i> %		<i>Passively involved</i> %		<i>Witnessed incident</i> %	
1. Correspondence course ²						
Completed	18	23.7	3	27.3	5	20.8
Not completed	7	9.2	—	—	—	—
Non-ascertainable	(11)	—	(1)	—	(12)	—
2. Guelph course	51	66.2	8	72.7	15	62.5
Non-ascertainable	(10)	—	(1)	—	(12)	—
3. Toronto Jail course	4	4.6	—	—	2	5.6
Non-ascertainable	(10)	—	(1)	—	(13)	—
4. Examination after on-the-job training mentioned	12	13.8	1	8.3	4	11.1
5. Management course at Guelph mentioned	7	8.0	—	—	2	5.6
6. Other	4	5.2	1	9.1	2	8.3
Non-ascertainable	(10)	—	(1)	—	(12)	—
7. None	10	13.0	2	18.2	2	8.3

1. The information was collected from statements to the investigating officers and from the court appearances.

2. The correspondence course was discontinued in January 1975.

Table 59. Participation in courses outside the Ministry of Correctional Services¹ of officers appearing before the Commission

<i>Number of courses and total months</i>	<i>Actively involved</i>		<i>Passively involved</i>		<i>Witnessed incident</i>	
		<i>%</i>		<i>%</i>		<i>%</i>
<i>None</i>	56	64.4	9	75.0	28	80.0
<i>Criminology and corrections</i>						
One	6	6.9	—	—	2	5.6
Two	—	—	—	—	1	2.8
Non-ascertainable	—	—	—	—	1	2.8
12 months	1	1.1	—	—	—	—
24 months	1	1.1	—	—	—	—
36 months	2	2.3	—	—	—	—
Non-ascertainable	2	2.3	—	—	—	—
<i>Related courses²</i>						
One	8	9.2	2	16.7	2	5.6
Two	3	3.4	1	8.3	—	—
Four	—	—	—	—	1	2.8
Non-ascertainable	—	—	—	—	1	2.8
Under 6 months	3	3.4	—	—	—	—
12 months	—	—	1	8.3	1	2.8
24 months	1	1.1	—	—	—	—
36 months	—	—	—	—	1	2.8
Non-ascertainable	7	8.0	2	16.7	2	5.6
<i>Unrelated courses</i>						
One	14	16.1	3	25.0	2	5.6
Two	4	4.6	—	—	1	2.8
Three	2	2.3	—	—	—	—
Non-ascertainable	—	—	—	—	1	2.8
One month	1	1.1	—	—	—	—
12 months	3	3.4	—	—	—	—
18-24 months	3	3.4	—	—	—	—
36 months	3	3.4	—	—	—	—
48 months	2	2.3	—	—	—	—
98 months	1	1.1	—	—	—	—
Non-ascertainable	7	8.0	3	25.0	4	11.1

1. Includes courses in Toronto Jail prior to the 1968 takeover of the jail by the Ministry from the City of Toronto.

2. Behavioural sciences, administration, etc.

INMATES AND CORRECTIONAL OFFICERS

Table 60. Height of alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Allegating inmates</i>		<i>Inmate control group</i>		<i>Correctional officers</i>	
		%		%		%
Under 5'8"	29	37.7	22	22.2	3	4.9
5'8"-5'9"	15	19.4	28	28.3	27	36.6
5'10"-5'11"	18	23.4	33	33.3	26	31.7
6'0"-6'4"	15	19.5	16	16.2	26	31.7
Non-ascertainable	(6)		(1)		(5)	
Total	83	100.0	100	100.0	87	100.0

Table 61. Marital status of alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Allegating inmates</i>		<i>Inmate control group</i>		<i>Correctional officers</i>	
		%		%		%
Married	16	20.51	39	39.0	68	82.9
Widowed	—	—	1	1.0	—	—
Divorced	3	3.85	—	—	—	—
Separated	1	1.28	1	1.0	3	3.7
Single	58	74.36	59	59.0	11	13.4
Non-ascertainable	(5)	—	—	—	(5)	—
Total	83	100.0	100	100.0	87	100.0

Table 62. Countries of birth of alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Allegating inmates</i>		<i>Inmate control group</i>		<i>Correctional officers</i>	
		%		%		%
Canada	67	81.70	81	81.0	22	26.5
United Kingdom	3	3.66	2	2.0	48	57.9
Other European	3	3.66	6	6.0	3	3.6
Caribbean, Central and South America	8	9.76	2	2.0	5	6.0
Other	1	1.22	9	9.0	5	6.0
Non-ascertainable	(1)				(4)	
Total	83	100.0	100	100.0	87	100.0

Table 63. Years in Canada of alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Allegating inmates</i>		<i>Inmate control group</i>		<i>Correctional officers</i>	
		%		%		%
1-5	5	38.46	10	52.63	8	15.7
6-10	4	30.77	1	5.26	18	35.3
11-20	3	23.08	6	31.58	14	27.5
Over 20	1	7.69	2	10.53	11	21.6
Inapplicable	(67)		(81)		(22)	
Non-ascertainable	(3)				(14)	
Total	83	100.0	100	100.0	87	100.0
Median	7.250		5.0		9.5	

Table 64. Education of alleging inmates, the inmate control group, and correctional officers allegedly actively involved

	<i>Allegating inmates</i>		<i>Inmate control group</i>		<i>Correctional officers</i>	
		%		%		%
1-8	20	29.0	46	46.9	2	2.7
9-10	35	50.7	{ 52 53.1 }		26	35.2
Over 10	14	20.3			46	62.1
Non-ascertainable	(14)		(2)		(13)	
Total	83	100.0	100	100.0	87	100.0
Mean	9.232				11.243	

The Training of Correctional Officers

This supplement contains a review of some of the studies that have been made of the training of correctional officers; a bibliography of Canadian, United States, and European literature on the subject; and a summary of 28 incidents containing lessons for correctional officers. The incidents involved inmates and correctional officers at the Toronto Jail and were culled from the proceedings of the Commission. They have been arranged with a commentary into the form of a manual that could be used in the training of correctional officers or for refresher courses.

STUDIES OF THE TRAINING OF CORRECTIONAL OFFICERS

The mature corrections professional is the ideal outcome of correctional training. A training program must instil goals and objectives that are clearly defined and realistic. Unless the goals are convincingly communicated to the line officer, his day-to-day work will be an aimless and boring routine.

To make certain that a training program is meeting the needs, it should be regularly evaluated. An on-going process of evaluation and refinement will ensure that the program is fulfilling the expectations that are held for it. The evaluation of training models should include not only successful aspects but also the negative characteristics. One such project was headed by Pro-

fessor T. Willett of Queen's University. His study of the federal induction process centred on 20 Canadian penitentiary service recruits who were trained at Kingston. Among his main findings was a conclusion that the trainees were generally unprepared for their job of dealing with inmates.

"Sudden and unstructured" was Professor Willett's description of the entry made by these impressionable recruits into their assigned prisons. Within a week they were called on to perform duties that exposed them, without sufficient guidance, to the hostility of inmates. They were not given a clear enough picture of the institution's functions and goals. They had to learn the rules of conduct by associating with the older officers who became their colleagues. To earn the approval of the "old guard culture", the recruits copied attitudes of the older officers towards the inmates and the correctional system. As a result, they were conditioned against the credibility of their training course and its instructors. Professor Willett observed that it would be no exaggeration to say that the training course was sabotaged by prison staff. The recruits were advised, "Do as they [the instructors] tell you; then forget it, as we know best here."

Fortunately, the staff instructors and the trainees were asked to suggest possible course improvements and their response is a valuable indication of what training officers and new line officers look for in a training program. It was suggested that the course should be designed:

- (a) To provide more opportunities for face-to-face interaction with inmate groups.
- (b) To develop personal qualities, such as a sense of humour, initiative, dependability, and a greater sense of responsibility.
- (c) To teach about the psychology of deviance and about behaviour manipulation.
- (d) To clarify the "true feelings" of the majority of the correctional staff for the inmates.
- (e) To clarify the "real dangers" (supported by facts) to those who work in a prison.
- (f) To provide information as to whether or not prisons *ever* resocialize inmates.
- (g) To provide information about the types of crime for which persons are incarcerated.

The Willett study was followed in 1975 by another research project conducted at the provincial level by Ms. M. L. Wilkins, of the Ministry's Planning and Research Branch. This study of the "Roles, Attitudes, and Problems of Correctional Officers" yielded a portrait of a composite line officer, based on interviews with the officers of three Ontario institutions, including the Toronto Jail.

Ms. Wilkins' paper brought to light some trainee dissatisfaction with the Guelph correspondence course, as being irrelevant to their work. On-the-job training was felt to be the best way to instruct new staff. Unfortunately, staff shortages often caused premature termination of training and orientation programs.

Ms. Wilkins' statistics shed light on the uneven application of promotion incentives to encourage officers to develop their professional knowledge. Comparative figures for the three institutions showed that fewer Toronto Jail officers took additional training. Only 16.7 per cent of the Toronto Jail officers who took additional training received promotions as against 58 per cent at the Mimico Correctional Centre. Where the promotion policy rewarded training, as in Mimico, more officers participated in courses.

Work satisfaction was one of the measures applied to all officers. The Toronto Jail officers believed their work to be necessary and worth while, but felt they were not respected by the public or the Ministry.

If he is to do a good job, an officer must have self-respect. This is fully recognized in police work, where an officer's self-esteem is continually referred to. Police courses stress the importance of the policeman's role in society, attempting in every way to enhance the future constable's self-image and professionalism. This emphasis should also be an integral part of the training program for correctional officers.

In 1974 the Ministry established a task force, chaired by D. G. Evans and including Ms. Wilkins, to develop a new training model for correctional officers, and this model was adopted by the Ministry in March 1976. The Wilkins study had concluded that the line officers were resistant to change, either because they felt uninvolved in the process, or because they felt their role in implementation was unclear, but that the officers' co-operation might be enlisted if they became involved in the initial planning stages of any change in policy and their ideas were woven into the design of a new program. The Task Force Committee acted on this observation by interviewing a number of correctional officers and supervisors. The committee was responsive to the officers' expressed need for greater respect from the Ministry and their feeling of isolation. The new training program is an organizational salute to the importance of work being carried out by institutional staff and an effort to promote the officers' sense of belonging.

Major changes include decentralization of training, which is now formally shared with some of the institutions, notably the Toronto Jail. As a result of this, the role of the institutional staff training officer has been expanded. The Ministry, along with its Training and Development Branch, will provide administrative support and act as a resource and monitoring agency where necessary. The committee appears to have designed a model that avoids the pitfalls mentioned by Professor Willett. Each phase in the new training program is a stepping-stone to the next, with opportunities along the way for evaluation of the trainee's performance.

Uniformity of training is achieved by the committee's recommendation that retraining and refresher courses should be instituted for correctional officers already in service. These courses are designed to promote a common understanding and appreciation of the Ministry's aims in correctional work. An example of this is the two-week course at Concord for C.O. 4s and C.O. 5s. As of the end of October 1977, 15 classes, each comprising 16 officers, had attended at Concord. It is anticipated that, by the end of the 24th class, all C.O. 4s and C.O. 5s who were in the Ministry at the commencement of the program will have attended. It will continue, in order to

accommodate newly appointed senior officers.

The committee recommended that the discontinued correspondence course be replaced by a handbook. This recommendation became Ministry policy and, consequently, the new training "package" emphasizes structured on-the-job training. At the Toronto Jail this includes a two-week orientation and basic training course. Here the new officer is introduced to the Ministry's philosophy and then instructed in the role, function, and basic skills of a correctional officer. His on-the-job training extends from the second to the sixth month. His learning experiences are guided by the handbook, the supervision of senior staff, and supplementary sessions conducted by the institutional training officer.

If he has shown potential, the officer will proceed to a one-week refresher and consolidation course at the Regional Staff Development Centre. At the conclusion of this course the officer is evaluated. This together with his on-the-job performance will determine his suitability for appointment to permanent staff, and for promotion to the rank of C.O. 2. His one-year probation period is now over.

During the course of our Commission we visited and talked with many persons charged with the training of personnel equivalent to our correctional officers. These were in selected places with long years of correctional experience or reputations for being in the forefront of modern techniques. I have in mind, California, the United Kingdom, Holland, Denmark, and Sweden. We also examined their training syllabuses. The present training programs at the Toronto Jail and in Ontario generally compare favourably with those of other jurisdictions.

I am pleased to report that, in this area too, our Ministry, after experimentation, distillation, and change, has come up with training courses that ably combine the teaching of Ministry policy, the practical skills of custody and security, and the theories of inmate behaviour and rehabilitation. The success of such programs naturally depends on the skill of the teachers. I was impressed with the dedication and ability of the training staffs who conduct the courses for both line and senior officers. The emphasis in the former is towards the basic and practical; in the case of the latter, it is geared to middle management skills and needs.

The net effect of replacing the former correspondence course with the present training of C.O.s is to change from a three-step to a five-step program.

The former correspondence course comprised (a) a three-week orientation period at the employing jail, (b) the 26 correspondence course lessons, including 10 written assignments – these presumably to be completed over a six-month period, and (c) a three-week residence course at the Staff Training School at Guelph.

The present program is comprised of (a) a five-day orientation period at the employing jail, (b) a three-day "Orientation to the Ministry of Correctional Services" course for all new personnel, correctional officers and others (e.g., nurses, social workers, stenographers, clerks, etc.), (c) a seven-day basic training course, (d) on-the-job training, and (e) a two-week consolidation course. In the case of the Toronto Jail, only the consolidation course is held outside the jail, at the Regional Training Centre at Brampton.

Once the line officer learns the duties he has to perform, it is up to the

middle management people to oversee and control such duties and ensure that they are being properly carried out. The building set-up of the two new Metropolitan Toronto detention centres, with their compartmentalized sections, makes the unit concept of line and senior officer easier to implement. The older Toronto Jail, struggling under its physical limitations, has swung over to a unit principle from the previous looser arrangement of having shifts of line officers assigned at random, to work with different senior officers from day to day. The unit concept assists senior staff, not only in control, but also in instructing line officers on a day-to-day basis. This is an important function that should command a high priority, for formal training courses, as such, occupy a small proportion of the officers' working time. The lessons taught in training programs must be reinforced by vigilant seniors, otherwise they will soon be forgotten or will tend not to be applied in the daily carrying out of the officers' duties. At the Toronto Jail this applies more to the theoretical and philosophical subjects, such as Ministry policy and rehabilitation, than to the practical tasks of custody and security.

A capable senior officer could have a settling and defusing effect on an inmate. In fact, the training of senior officers should include a course in handling critical situations involving a single inmate. In some institutions in other jurisdictions there are specially trained teams that deal with individual-inmate crisis intervention (as against crisis intervention to deal with riots). They are trained to cope with, among other situations, that of violent objection to segregation by an inmate. This may be prompted by the inmate's sense of injustice, real or imagined, or by a fear of segregation, claustrophobic or otherwise.

If the inmate is in a highly agitated state and his reasoning is affected, the crisis-intervention-trained officer would know that this agitated state would probably last for half an hour to an hour. His dealing with the problem would be on the basis of taking over the reasoning and mental direction of the agitated and volatile inmate who has been deprived of his own rational process. In these cases the trained person will usually "accept and agree" with the inmate's statements until such time as the period of agitation has passed and the inmate can be reasoned with.

Many correctional authorities have become disenchanted with the rehabilitation prospects of violent inmates who have been forced to live in a custodial atmosphere for a long time, a large part of which may have been spent in isolation or segregation. The problem that must be faced by society is that eventually, with the efflux of time, the completion of their sentence, or some remission of total sentence by statute or a parole board, these inmates will be released from custody and will enter the "outside world". It is therefore of great importance to society that upon release from custody these inmates be rehabilitated, if not completely, at least as much as can effectively be done for social, humane, and even economic reasons.

It is therefore necessary that special staff be trained who will accept the challenge of at least partial rehabilitation, if complete rehabilitation is out of the question, for violent, assault-prone inmates.

The existence of a special team, trained in crisis situations and in the handling of difficult inmates, would in many cases lessen the chance of an incident developing. The number of officers visible could then be small, with

others on alert if necessary. Good humour, patience, understanding, and special training can be more effective than weight of numbers where one or more difficult inmates are to be processed or dealt with in any sensitive jail situation.

As for training officers, whether at the jail or at the regional training centres, care should be taken to ensure that the best are selected for this most important task and that their enthusiasm is sustained by upgrading. Also, they should have time to keep abreast of the vast amount of literature on corrections and allied topics, and the opportunity to visit other jurisdictions and institutions and, from time to time, attend both Ministry and outside courses.

Training should go hand in hand with control and supervision, not one at the expense of the other, but rather as complementary aspects of the same objective, namely, the fostering of professionalism.

In both the Ontario and the California training programs, human behaviour and psychology are taught at a central training course. The importance of this knowledge to the interaction of officers and inmates and to the success of rehabilitation work cannot be overemphasized.

Historically, the many insights gained into human behaviour and psychology have been slow to penetrate the corrections system. This was partly because of the specialist's reluctance to become involved in a system that was essentially punitive and partly because of the basic suspicions harboured by prison personnel about any such innovations. But a new awareness of the public's responsibility for those who are locked away has created a new correctional objective and this is to develop officers who can be a major source of "help" to inmates, yet still function as authority figures. Efforts to combine the roles of custodian and counsellor have created new training needs which, in turn, have opened the way to research and the willing participation of specialists from the different branches of human behavioural study. Persons such as Dr. B. Cormier of the McGill Clinic in Forensic Psychiatry have been attracted to the aim of developing programs that break down the traditional barriers and go on to pioneer the new helping relationship between officers and inmates.

In his book *The Watcher and the Watched*, Dr. Cormier points out that a training program for correctional officers should include a wide knowledge of human behaviour which can be applied directly to living situations. This knowledge can be transmitted through seminars, behaviour workshops, socio-drama role-playing, and role-reversal. The last two methods have been particularly successful in awakening the officer's empathy for the inmate's needs, problems, and state of mind. It is hoped that the detailed accounts of the allegations in this report will be of assistance in this regard.

The officers who became involved in Dr. Cormier's project had been trained in a custodial role and they were put through an intensive training course to acquaint them with the philosophy and working methods of a therapeutic community. Despite this orientation they still had difficulty assuming the role of counsellor. The officers felt that they were not an integral part of the treatment program and that therapy was a function of professional psychiatric staff. However, survey results after one year indicated that the majority of inmates considered that their officers had the most thera-

peutic influence of all personnel. This is an indication of the extent to which a correctional officer can contribute to the rehabilitation ideal. His daily exposure to inmates means that the officer has more opportunities to observe and provide immediate help to a distressed individual than does the institution's psychiatric staff. His training should encourage him to share the responsibility of inmate rehabilitation. Specialized training such as behaviour typology, crisis counselling, and empathy instruction should enable the officer to assess different personalities, detect the various signals of disturbed behaviour, and offer the appropriate support. If the officer feels himself incapable of giving the treatment that is called for, he can then report his observations to the psychiatric staff.

Dr. Cormier writes that it is hard to combine the functions of surveillance and counselling, but this is the challenge correctional officers now face. Equally, it is the challenge that must be taken up in a formal training program.

The Ministry's training force must be continuously alert to new developments in other jurisdictions and ready to adopt into its training program those that have proven worth while and could be made workable in the Ontario system, easily and inexpensively.

The C.O. 1 consolidation course is the only qualifying or promotion course at the present time. All other courses are for those who have already attained their present ranks. Qualifying courses for C.O. 4s and C.O. 5s should be considered so as to have available a senior officer pool. Also, it would, help to stimulate officers' interest to have them take courses in which most of those attending are of a higher rank. For example, some C.O. 4s and C.O. 5s might attend a Deputy Superintendent and Assistant Deputy Superintendent training seminar.

Short specialized training courses are conducted at the Toronto Jail from time to time, as well as at the regional training centres. Wherever possible, courses taught at the regional training centres should also be taught at the Toronto Jail. This would mean less loss of officers' time. Also, by doing on-the-site training the officer familiarizes himself with the equipment of the jail and learns where it is located and how it can be brought into use quickly.

Before leaving the subject of training, it should be mentioned that seminars and training sessions are available, or are being planned by the Ministry's training cadre, for Deputy and Assistant Deputy Superintendents as well as for Superintendents.

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A TRAINING MANUAL BASED ON CASE EXAMPLES

A. Unprofessional Conduct

Arguing with an inmate

THE INCIDENT: A shouting match between C.O. 1 Victor Ayre and inmate

John Atkinson.

C.O. 1 Gerald Rowsell commented that Ayre and Atkinson "were acting like two kids".

This was not an isolated incident. There was evidence of similar shouting matches between inmates and correctional officers. Evidence was given during the inquiry by correctional officers that this was not an effective way of dealing with inmates, since it meant that the correctional officer was lowering himself to the level of the inmate. Ayre and Rowsell were both new correctional officers, with the rank of C.O. 1, but Rowsell was a more mature and experienced man.

THE INCIDENT: An argument between (then) C.O. 1 Gary Dassy and inmate Richard Malayny.

A. H. Farquhar, Deputy Superintendent, indicated that he effectively reprimanded Dassy by ordering him from the corridor. He felt that this was punishment enough for a new officer, and that no further action was necessary. "I thought the situation was ridiculous; an officer standing three-quarters of the way down the corridor arguing with an inmate through locked doors, and causing other inmates to shout in unison with him; and I thought it advisable that he not be in the corridor at that time at all, and I ordered him out."

An officer abusing his power

THE INCIDENT: Inmate Malayny was outraged when C.O. 1 Dassy turned off the television set before the end of a hockey game.

The underlying cause of the trouble was the high-handed way in which Dassy was dealing with the inmates. There is danger that a certain type of correctional officer will wrongly use his power over the inmates for no other purpose than to exercise power, and that appeared to be the case with Dassy in this instance. The fact that other television sets were still on in the building indicated that there was no order by the shift supervisor to turn off the sets, nor had there been any order for lock-up prior to the end of the game.

Consuming goods seized during a search

THE INCIDENT: C.O. 2 Charles Casey is alleged to have smoked contraband cigarettes in front of inmates.

Casey was a member of a search group that found contraband cigars and cigarettes in the corridor of inmate Martin. To have smoked some of these where inmates could see him was unprofessional and did not reflect favourably on the self-discipline of correctional officers. It might be considered that Casey was flaunting the cigarette in front of the inmates, and this could not increase their respect. This was probably a minor matter, but it is the type of behaviour that should be discussed with correctional officers during a training session.

Using language that arouses hostility

THE INCIDENT: Dassy's manner in speaking to inmate David Finnis.

Dassy apparently referred to Finnis as a "long-haired punk with a beard". This, Finnis said, caused him to "flip out at Dassy". Dassy's language was not professional and was sure to cause a hypertense inmate to react. Correctional officers should be taught to adopt a cool approach and not (as has been complained of during the hearing) to treat inmates as "animals".

Dealing roughly with a co-operative inmate

THE INCIDENT: Dassy's manner of escorting inmate Fabian Vassell to segregation.

Dassy was escorting Vassel either by the scruff of his neck or by the hair on his head, and this was an inmate who had been giving him no trouble, according to his own account. This type of conduct by a correctional officer is to be deprecated. It sets a bad example and creates a bad atmosphere in a jail. It is, of course, an affront to the dignity of an inmate who has not been causing any trouble.

Inciting inmates against each other

THE INCIDENT: A correctional officer allegedly allowed the inmates in his corridor to learn about the heinous nature of inmate Sham Maharaj's offence, and then absented himself.

Assuming the officer was entitled to the information, he most certainly should not have allowed it to be communicated to inmates, particularly since he could predict the result. It would be akin to a correctional officer personally beating up an inmate, for there is little difference between the officer having some third person, say an inmate, perform a beating, and doing it himself.

The officer denied having engaged in such conduct.

Training programs should indicate strongly that such conduct destroys the objectivity and professionalism of the correctional officer's work, and brings the correctional staff into disrepute.

Dealing out retribution

THE INCIDENT: Inmate Daniel Charette alleged that he was assaulted by correctional officers because he "punched out" a younger inmate.

In some cases inmates confessed that they got the treatment they deserved, but the number of incidents reported brought the matter beyond the possibility of coincidence and added probative value to a finding that the correctional officers, at times, meted out their own punishment.

One cannot too strongly disapprove of this type of conduct. It is not for the correctional officers to set themselves up as a discipline body or to assume the fact-finding role as to wrongdoing that is within the jurisdiction of the Superintendent or the Deputy. This is a matter of both attitude and training. It is the duty of those in charge of training to make sure that the principle is properly understood by the correctional officers, and it is the duty of the senior officers to make sure that it is observed.

At times, it appeared, there was a purposeful closing of the eyes by some senior officers to such conduct on the part of the line staff. Misconceived conduct on the part of correctional staff accounted for a large number of allegations. If this type of conduct is permitted, it will affect impressionable new correctional officers, as I think it did in the case of Dassy. There is potentially great power in the hands of a correctional officer against an inmate in custody, and it will undoubtedly be abused if the correctional officer considers that he has not only custodial duties but also the duty to exact punishment where, in his opinion, it is called for. This may require correctional officers to exercise great restraint in situations such as the one in which the evidence indicated an unprovoked attack by Charette upon an innocent fellow inmate, or as in the case of an inmate charged with a heinous crime, as Sham Maharaj was.

The whole system of custodial services and the implementation of the Ministry policy of rehabilitation breaks down if retribution is left in the hands of correctional officers, and particularly if it is not checked by senior or supervisory staff.

Basing a decision to discipline on individual caprice

THE INCIDENT: Dassy joining other correctional officers who were dealing with inmate Steven Lumley, even though he had not been ordered to assist.

Dassy was asked about his striking of Lumley, thinking him unconscious at the time. When asked whether anyone had told him to do this, Dassy replied: "It was expected of me, sir. As I told you once before, I have a position in that jail and if I am not fulfilling that position other guards can see and they are going to wonder why." Dassy cited another incident in which, on his own initiative, he had taken the other tack, stepping between C.O. 2 Clifford Clarke and inmate David Jinks in order to restrain Clarke.

Dassy indicated that the decision whether to join in or not rested with him as an individual. This was, of course, a misconception of his duties. Certainly, a correctional officer should not interfere when another correctional officer is administering discipline to an inmate. Nothing could be worse for the general atmosphere of the jail than to have correctional officers of equal rank openly arguing over discipline procedure. Similarly, unless the personal safety of a correctional officer or of an inmate is involved, a correctional officer should not take it upon himself to "pile on". There are times when correctional officers will ask for the aid of another correctional officer, who should then respond immediately and to the best of his ability. As for the scale of response, it should not be overly aggressive, but it should be sufficient to help control the situation. Wherever possible, the decision should rest with a senior officer, and only in emergencies should it be taken by the line officer himself.

B. How Incidents Occur

At times, inmate and officer were challenging each other, and under such circumstances minor incidents sometimes turned quickly into major events.

Whether the fault lay with the inmate or the officer, or both, was often hard to determine. Each incident had to be inquired into separately, in an attempt to discover precisely what happened, and why.

It became clear that incidents are more likely to occur, and, having occurred, to accelerate, when one or more of the following situations exist: (a) An inmate is a "difficult problem case". (b) An inmate is under tension. (c) An inmate is in overcrowded quarters. (d) An inmate has no planned activity program to release his excess energy. The same result is also more likely when a correctional officer is (a) "short fused", (b) not properly trained, or (c) not adequately supervised by competent senior officers.

Neither C.O. nor inmate backs down

THE INCIDENT: Correctional officers allowed themselves to be provoked by inmate Steven Lumley's verbal abuse.

If Lumley's language had been ignored, he probably would not have displayed any physical aggressiveness. In any case, one can see how incidents that start with verbal abuse, or imagined verbal abuse, initiated either by an inmate or by a correctional officer, can accelerate. When there is no backing down, the verbal confrontation can lead to threatening gestures that may be interpreted as a physical threat demanding a defensive manoeuvre; and when such a manoeuvre is taken it may be more than just what is necessary to repel.

Such appeared to be the pattern in incidents where physical force was used by an inmate against a correctional officer, or by a correctional officer against an inmate. It is important to recognize this problem and to make sure that it is brought to the attention of correctional officers in their training program.

An inmate threatens an officer

THE INCIDENT: Inmate Malayny threatened C.O. 2 Dowhey: "I said to him, I says, 'You got to go home sometime,' and I said, 'Your car is easy to follow,' and, you know, things like that."

Unfortunately, such threats are made to correctional officers, and when the safety of an officer, and, at times, the safety of his family, are threatened, it is understandable that this should be of some concern to a correctional officer and will put some strain on him. However, it should be indicated to correctional officers in such incidents that the inmate is under stress and that threats are the only way he has to blow off steam.

Confinement heightens an inmate's sensitivity to insult

THE INCIDENT: C.O. 2 Dowhey stripped inmate Malayny of his responsibilities as assistant corridor man.

One must consider that, with so little activity and so few things that an inmate can do to derive stature or satisfaction, the job of corridor man and even that of assistant corridor man carried with it some satisfaction and maybe even some status. Malayny was no longer the inmate who was left to vegetate; now he had a modicum of responsibility. To take that job away from such a person, or not permit him to carry out his duties, might well invite strong reaction. Unless discipline absolutely dictates it, such steps should be avoided by staff.

Correctional officers should, therefore, be trained to appreciate the importance some inmates attach even to such jobs as that of corridor man.

"Call me 'sir'."

THE INCIDENT: Inmate Charette's demanding presence galled C.O. 2 Casey who, in turn, insisted on being called "sir".

CASEY. . . . he [Charette] always had a habit of hollering, "Hey you, hey you, get me this; hey you, do that." And on a couple of occasions I have hauled him out of – not "hauled him out of", I should say opened the grille, brought him out, and I have told him, you know, "You call me 'Mr. Casey' or 'sir'; don't call me 'Hey you'," I said, "because I'll charge you so fast it will make your head spin."

As far as Casey was concerned, Charette was an inmate who gave him some problems. It is most unfortunate that correctional officers have to take abuse from inmates. It may well be that, if Casey had ignored Charette's attitude, nothing more would have happened. On the other hand, Casey apparently insisted on being addressed by name or as "sir", and this would obviously rub someone like Charette the wrong way. This may well be a case of two wrongs not making one right.

The importance of an apology

THE INCIDENT: Inmate Donald Jones felt that C.O. 2 William Stafford owed an apology to another young inmate who had been struck by a screen that Stafford had pushed.

Jones dwelt on the apology. Demands for apologies by both the inmates and correctional staff came up several times during the inquiry. Working in close quarters, inmates and correctional staff are at times a bit touchy, and greater emphasis is paid to the matter of apologies than would be the case outside of the jail where people can simply walk away from each other.

During the training period, this should be drawn to the attention of correctional officers and explained to them. If correctional officers could indicate that some action was the result of an accident and was not intended to harm the inmate, then a more serious confrontation might be avoided. On the other hand, on the basis of *noblesse oblige*, correctional officers might be taught that rank carries with it obligations, and that there are times when it is advisable to ignore a situation and not press for an apology. There will, of course, be situations in which, for discipline reasons, a correctional officer should obtain an admission of wrongdoing from an inmate and a promise of better behaviour.

Ridiculing an inmate's limitations

THE INCIDENT: C.O. 1 Glen Bennett laughed at inmate George Switzer's inability to write his name.

SWITZER. . . . the reason I threw the cup at him is, he stood there and laughed at me. It is not my [deletion] fault that I can't read or write and it is not

right for a guard or any kind of a person to deliberately stand and laugh at a person who cannot read and write and that is why I threw the cup at him.

Inmates have so few liberties and nothing to balance the authority correctional officers have over them that they guard jealously their self-respect and strongly resent any impingement upon it. Bennett's laughter was particularly angering to a tense person such as Switzer, who felt it was a reflection on his lack of education.

Correctional officers should, therefore, be taught the necessity of a proper attitude towards inmates, who hold their few privileges much more dearly than does a person on the street. Certainly what is unimportant on the street may have tremendous importance in the jail, where a man has time to brood and lacks diversions or privileges that would help to put things in perspective.

Ridiculing an inmate's need for medication

THE INCIDENT: C.O. 1 Bennett is alleged to have laughed, sung, and even danced while an inmate named Casados cried out for his medication.

This is an example of how a situation can build up and accelerate out of proportion. A more experienced and better trained correctional officer would have coped with this situation in a different way. He should certainly have telephoned to surgery, so that a nurse could attend to see whether Casados's condition was feigned or genuine. By making a joke of it, Bennett annoyed other inmates, who were concerned for their fellow inmate. Their action in setting a fire was designed to draw attention, although the smoke-filled corridor could certainly not have helped a person with asthma.

C. The Handling of Inmates

Men are more important than rules

THE INCIDENT: An assault by C.O. 2 Clarke on inmate David Jinks.

The underlying cause was that Clarke, while circulating in the corridor to make his announcements, did not take pains to ensure that his call for surgery was heard by all. It may be that it was a case of Jinks, LeSarge, and Ferguson being slow to respond to a surgery call. Even so, the request for surgery should have been expedited, even if it meant going out on the landing a second time and dispatching the request slips. There was a too-rigid adherence to procedure; the request for surgery was refused within a very short time (five minutes), indicating that Clarke was insensitive and that he was more interested in the rules than in the welfare of the inmates.

This goes to the deeper problem of the attitudes of correctional officers and the matter of their training. C.O. 5 Robert Nuttall expedited surgery calls that morning as much as an hour after the original call, and that illustrates the difference in approach between him and Clarke.

In the training program this incident might be used as an example of too-rigid following of rules and lack of consideration for the welfare of inmates – even if the inmate showed lack of consideration, or lack of co-operation in purposely not answering the surgery call sooner. An experienced,

capable correctional officer would have avoided the confrontation with Jinks by accepting his surgery request.

Detection of unstable behaviour

THE INCIDENT: C.O. 2 Joseph Peake did not recognize inmate Gordon Courts's drugged condition.

Correctional officers should be trained to detect those under the influence of drugs (or alcohol). Courts's behaviour was out of character, and, even if Peake did not notice that he was under the influence of drugs, the situation was such that a senior officer should have been called, for drugs, alcohol, mental breakdown, or excessive tension should have been suspected. Such a situation should whenever possible be dealt with by a senior officer.

The librarian suspected drug influence and correctional officers should have done so too. They should be more thoroughly trained in such detection.

A C.O. should not threaten an inmate with physical violence

THE INCIDENT: Dassy threatening to hit inmate Nathan Somerton.

Correctional officers should not be restrained from advising inmates to behave themselves and to "straighten up", but this should not be accompanied by any threat of physical violence. If the situation is serious enough to require strong action, or strong threats, it should be referred to a senior officer. The senior officer can then talk to the inmate and advise him as to the consequences of continued misbehaviour. The consequences might be segregation, or loss of privileges, or even loss of good time, but in no case should anyone threaten physical violence if an inmate does not behave. This is not only contrary to Ministry directives but is to be deprecated and discouraged on all grounds. Indeed, if a senior officer should overhear a line officer making such threats, then he should take strong disciplinary action.

Another example:

MR. ZIFKIN. I believe you stated in evidence that you threatened Mr. Martin. I just wanted to know the nature of the threat.

CASEY. Yes, I did threaten him.

Q. With what?

A. What I told you. "I've got a good mind to knock hell out of you."

Q. Is that all?

A. Yes.

Inexperienced officers and problem inmates

THE INCIDENT: A new officer attempted to deal with inmate James Frost, an extremely difficult case.

I am of the opinion that inexperienced line officers should not attempt to deal directly with difficult inmates and that wherever possible C.O. 4s and C.O. 5s (shift supervisors and deputy shift supervisors) should be called – for two reasons. First, because the senior officers can take action; in this case, I believe a senior officer would have taken less drastic measures in dealing with Frost. Second, because difficult inmates are more amenable to orders from senior staff. This, of course, is not always possible, particularly

when the situation is one of urgency, and senior officers are not immediately available. That, however, was not the situation in the Frost episode.

Further staff training, and particularly training in how to deal with similar difficult situations, would prepare line officers for situations similar to the Frost episode.

A C.O. should not touch an inmate unless he needs to be restrained

THE INCIDENT: C.O. 1 Edward Torrance's unnecessary touching of inmates Daniel Pearce and Randolph Benn.

With proper instruction correctional officers should understand why inmates should not be handled the way Pearce and Benn were. These two cases could be used to teach correctional officers how to avoid, or at least lessen, inmate tension and confrontation.

It is suggested that correctional officers be instructed about the resentment some inmates feel over any invasion of the "defensive space" about their bodies. There are people who resent being touched, particularly from behind. This feeling is stronger when they are in custody. Articles have been written about the need of some inmates for some open space about them, and their touchiness when others come in close contact with them.

Looking more closely at these incidents, in an attempt to find the cause, and to avoid similar incidents in the future, it is recommended that correctional officers be instructed not to touch inmates unless it is necessary to do so. Other evidence before the Commission indicated that inmates were sometimes pushed by correctional staff to move them along and that this occurred even on stairways. Undoubtedly, correctional officers may be overburdened with duties at times and hard-pressed to accomplish their tasks. Add to this the stresses and strains of the job and an inmate who, perhaps purposely, moves more slowly than the correctional officer thinks he should, and you have a situation that may sorely try the patience of the correctional officer. But the training of the correctional staff should enable them to make the necessary allowances. They should be prepared at times to slow down, to appreciate an inmate's problems and make allowances for his "independence" in wishing to move at his own pace. If, however, the inmate's behaviour is so deliberately slow as to constitute disobeying an order, and the matter is important enough, then the proper procedure is to put the inmate on charge, rather than to physically push him. This would eliminate incidents such as the Pearce-Torrance one.

Training in self-defence

THE INCIDENT: C.O. 1 Bennett applied a questionable hold on inmate Stanley Malouf's neck.

I have been rather impressed with some demonstrations of an art known as "defendo", as advanced by an 81-year-old gentleman, Bill Underwood of Toronto. It is a combination of ju-jitsu, unarmed combat, simple holds, and utilization of pressure points. It does not depend upon strength or size and rather than being an aggressive form of physical contact it is, according to its exponent, designed solely for defensive purposes. I would suggest that this type of training be included in the syllabus for correctional officers.

D. What Makes a Good Correctional Officer?

Inmate Bruce Conway explained why he so often found himself in segregation:

CONWAY. They [correctional officers] try to show their superiority over you and there is no need to. They try to show you who has the power, you know.

MR. BYNOE. How do they go about that, Mr. Conway?

A. By telling you to do something you don't have to do.

This exchange indicates the attitude of inmates and one way correctional officers should not act towards them. Once again, there should be an understanding for the plight and feelings of inmates.

Inmate John Zanussi was asked to give his opinion of the attributes of a good correctional officer. He said: "Well, I think mostly it's consideration. . . . Rather than just calling your name, and not telling you what it's for, he will tell you what it's for. . . . And if you have a problem you can tell him what the problem is and if he can do anything about it he will."

Another inmate, Bertram Vickers, was asked about the qualifications of a good correctional officer and the characteristics which, from the inmates' point of view, are unsatisfactory. This information could be used in the training program of correctional officers. I think it is important for staff to know what attributes are respected by inmates and will assist in obtaining their co-operation. It would also help to show where tension can arise between correctional officer and inmate. This is not put forth with any thought that the inmate should be mollycoddled; but if the correctional officer can obtain the co-operation of inmates, then he can perform his duties better, with less tension and greater efficiency.

Vickers cited former C.O. 1 Stephen Stevenson as a good correctional officer.

VICKERS. I give you that name [Stevenson's] because I come in contact with him, I done my time at the Don Jail with this man. This man would take time of his own to talk to you if you've got a problem. . . . This man will ask you to do something. More or less he knew how to get along with inmates, he knew what was needed, this man really did. I don't know what the staff thought of him at the Don Jail but I know that this man was very well liked by the inmates, very well liked.

THE COMMISSIONER. Do I understand from what you are saying that it wasn't so much what the correctional officer asked an inmate to do as how he went about asking?

A. That's right, sir, how he put it.

Vickers gave an example of something that bothered him:

When the guards get you up in the morning and you wake up with a guard yelling at you . . . "Now finish your breakfast. All right, get the mop and let's get this mopped up," and doing that sort of thing. I really do think that the inmate, no matter who the inmate is, if the guard could put . . . it in a different way, inmates would not have to be told to do it because it would be done

automatically. All the guard would have to do is to stand and make sure that the job is being done right.

Again, Vickers said a good correctional officer would be, "Somebody that would understand, somebody that would talk to an inmate instead of brushing the person away or hollering at the person."

Commenting on the poor correctional officer, Vickers assessed him as being one who "may know his job as to open a door, to let an inmate in, to lock him up, to mark on the books. But he doesn't know his job really that well because he does not know communication."

Father Ernest Callahan remarked that when he heard two diametrically opposed stories (inmate vs correctional officer) he was inclined to believe that the inmate had acted as a catalyst in the situation.

FATHER CALLAHAN. I would expect that the inmate would have done something that sparked the incident. . . . I see this happen frequently, where I wouldn't take some of the abuse that some inmates heap upon the guards, and yet the guards have done nothing about it.

THE COMMISSIONER. It depends on the personality of the guards on many occasions, doesn't it?

A. Almost totally, yes. I have found some guards have a way of saving what could be a nasty situation by simply refusing to overreact, and taking the time to find out what is bothering the person, who is normally not like this.

THE INCIDENT: Dassy promised inmate Charles St. James to further his request for transfer to the annex, and, instead, recommended to a senior officer that St. James should be placed in Corridor 2.

St. James would certainly be aggravated by being led to believe that he was going to be transferred to the annex as he had requested, and then to find himself in Corridor 2. More than one of the correctional officers, when questioned as to the attributes of a good correctional officer, indicated that he should not make promises that cannot be kept, and that once he made an undertaking to an inmate he should carry it out.

THE INCIDENT: Inmate Frost "just straightened up and took a round-house swing at Mr. Moquin".

C.O. 5 John Moquin said that this often happens while inmates are being moved, and it need not be intentional, but in this case Frost was trying to strike out at any form of authority and any officers who were there. Moquin said that this does not anger correctional officers and they make allowances for it. Certainly, this should be understood by correctional officers. When an inmate deliberately attempts to strike an officer, he must, of course, be charged and appropriately dealt with.

C.O. 5 Robert Nuttall said that this did not anger him or arouse resentment in him, and he recognized that Frost was "in a highly emotional state and you would almost expect it". He said it was extremely important in such situations to keep one's cool.

During the Commission hearings, several officers were commended for displaying the professional qualities looked for in a good correctional officer.

C.O. 2 Charles Leutz was such an officer. He was one of the best witnesses

heard at the inquiry, and was favourably referred to by the social services staff. An example of his good judgment occurred during a fight between another correctional officer and an inmate. Leutz attempted to stop the fight, rather than joining in, although the challenge was there and Leutz was physically capable of taking it up (see Malouf allegation). He also deprecated the use of unnecessary force on one inmate, commenting that such conduct "endangered everyone's life that was in there" (see Switzer allegation). As a new officer, he gave the impression of having assimilated and understood his orientation and procedural instruction. While some officers appeared to be reluctant to summon a senior officer when faced with a confrontation situation, Leutz fully recognized the potential hazard in removing a disturbed inmate and the wisdom of calling for his supervisor (see Switzer allegation).

C.O. 5 Robert Nuttall was of senior rank and his actions proved him to be a fine officer. Commendable was his ability to earn the respect of inmates by giving them the consideration and understanding due to human beings caught up in the tensions and stress of confinement. In one instance, he calmed a corridor full of agitated inmates who had heard the sounds of an altercation and wanted to know what was happening; he made a number of circuits around the perimeter, talking to reassure the inmates as he moved past (see Jinks allegation). In another instance, he recognized signs of emotional breakdown in an inmate and anticipated the sense of shame that would accompany such a display; he did not press the inmate for an explanation of his behaviour, but postponed the investigation for a few hours, giving the inmate time to collect himself (see Benn allegation).

C.O. 5 Vassos Zodiates also exhibited a gift for understanding and managing inmates. At one point during the hearing he stated matter of factly, "It is my job to know my inmates, sir." These few words expressed a proper attitude for a correctional officer, and, in the same context, Zodiates indicated his awareness of the fact that an inmate's behaviour can change with the passage of time. It is important that inmates not be permanently labelled, for a bad actor may improve, just as a good inmate may turn into a behavioural problem.

By his actions, Zodiates displayed an ability to detect both unstable behaviour – he was able to calm a bellicose inmate high on drugs (see MacLean allegation) – and inconsistent behaviour – he promptly visited an inmate in segregation because he was concerned about the confinement of a man who seldom caused problems (see Jinks allegation). As for the conduct of junior officers in his presence, he registered strong disapproval of any officer who struck an inmate – "I would not allow such a thing to happen" – and correctly understood the necessity for a senior officer to report such conduct (see States allegation).

The above is a rather brief exposition of some of the cases and incidents that might be useful in training. For a more complete analysis of how incidents arise, how they may be avoided, and the right and wrong responses on the part of the correctional officer, it is recommended that the allegations set out in Volumes 3 and 4 be read.

The Law

The following comments are not intended to be an exhaustive critique of the law – whether by statute, regulation, or otherwise – applicable to the respective rights and obligations of correctional officers and inmates. Rather, they are an outline of some of the relevant provisions of the law as they relate to the daily operations of the Toronto Jail, within the specific terms of reference of this Commission and matters investigated by it.

A. THE SUPERINTENDENT

This is an outline of the legislative authority that creates the office of Superintendent, and of the general scope of the Superintendent's duties.

The Superintendent is the chief administrative officer of the Toronto Jail and is responsible for the administration of the institution. He is required by law to receive every person delivered to the jail under lawful authority for detention therein, and is responsible for the custody and control of all inmates while so detained.

1. Ministry of Correctional Services Act

Revised Statutes of Ontario, 1970, Chapter 110, as amended by 1971, Chapter 50, s. 27 and 1972, Chapter 1, ss. 1, 59:

- Section 7(1) The jails, reformatories, industrial farms and regional detention centres existing immediately before the 1st day of July, 1968, continue to exist as correctional institutions.
- Section 9(1) There shall be a *superintendent* for each correctional institution who shall be an official of the Ministry designated by the Minister and who is *responsible for the administration of the institution*. R.S.O. 1970, c. 110, s. 9(1).
- Section 9(2) The *superintendent* of a correctional institution *shall receive into his institution every person delivered to his institution under lawful authority* for detention therein and *is responsible for his custody and control* until the term of his detention is completed or until he is by warrant under section 10 transferred therefrom or otherwise discharged in due course of law. R.S.O. 1970, c. 110, s. 9(2).
- Section 13 Where a municipality is unable to establish and maintain a *lock-up*, or where it is considered advisable for the welfare of a person in custody or for public safety, the Minister may designate a correctional institution that may be used by the municipality as a lock-up and the municipality shall pay to the Treasurer of Ontario annually such rate per day for persons in custody in the lock-up as is fixed by the Minister for the year. R.S.O. 1970, c. 110, s. 13.

[The use of the Toronto Jail as a lock-up is now limited to weekends.]

2. Revised Regulations of Ontario

The relevant provisions outlining the authority, responsibilities, and duties of the Superintendent are set out hereunder in Ontario Regulation 166 (under The Ministry of Correctional Services Act. Revised Regulations of Ontario, 1970, as amended by Ont. Regs. 146/71, 336/71, 194/72, 74/73, 884/74, 580/75 and 290/76):

3. The Superintendent is responsible for the management of his institution and for the care, health, discipline, safety and custody of its inmates. R.R.O. 1970, Reg. 166, s. 3.
4. The Superintendent shall,
 - (a) administer his institution in accordance with the Act, this Regulation and such special instructions as may from time to time be prescribed by the Minister or the Deputy Minister;
 - (b) issue to the employees of his institution such directions as may be necessary to fulfill his responsibility;
 - (c) establish, subject to this Regulation, the procedures to be followed on the admission, discharge, escape, illness or death of an inmate and on the assignment of employees' and inmates' duties; and
 - (d) cause inmates to be informed of their duties, rights and privileges while in his care and custody. R.R.O. 1970, Reg. 166, s. 4.

5. Upon the admission of an inmate to his institution the Superintendent shall,
 - (a) cause to be made a complete record of all property, clothing and money in the possession of the inmate;
 - (b) ensure that such effects and money are handed to an employee designated for that purpose for safe-keeping; and
 - (c) ensure, through his designated representative, that the inmate is searched, bathed, and clothed in the manner prescribed by the Deputy Minister. R.R.O. 1970, Reg. 166, s. 5.

3. Ministry Directives

Pursuant to the Act and the Regulations, the Ministry has issued directives from time to time, usually by the Deputy Minister, setting out specific instructions to the Superintendent and the employees of the jail on a wide range of subjects, including the discipline of inmates.

4. Standing Orders of the Jail

Pursuant to the Act and the Regulations, the Superintendent of the Toronto Jail has from time to time issued standing orders for the purpose of directing the manner in which the law, policies, procedures, regulations, and Ministry directives will be implemented at the Toronto Jail. Supplementary orders have been issued from time to time by the Superintendent, to supplement the Standing Orders as and when necessary.

Supplementary orders and Ministry directives are not posted on the staff notice board but are entered in the Order Book and listed in the index thereto. The Order Book is kept at the front grille of the old building for the instruction and guidance of the correctional officers but is not available to the inmate population (Order No. 40 dated July 27, 1965, by Governor G. P. Whitehead).

Ministry directives and the orders of the Superintendent do not have the force of law. They are administrative and not legislative in nature.

B. CORRECTIONAL OFFICERS

This is an outline of the statute law and regulations governing the status, rights, obligations, and duties of correctional officers.

1. Legislative Authority

During the period of the incidents investigated by this Commission, correctional officers of the Toronto Jail had for their guidance all or part of the following:

- (a) *The Criminal Code* – R.S.C. 1970, chapter C. 34 and Amendments

thereto (cited as the Criminal Code, 1953-54, c. 51, s. 1.)

- (b) *Prisons and Reformatories Act* – R.S.C. 1970, C. P. 21 (cited as Prisons and Reformatories Act, R.S.C., c. 217, s. 1.)
- (c) *Ministry of Correctional Services Act* – Revised Statutes of Ontario, 1970, Chapter 110, as amended by 1971, Chapter 50, s. 27 and 1972, Chapter 1, ss. 1, 59.
- (d) *Regulation No. 166 (General)* – Revised Regulations of Ontario, 1970, as amended by Ont. Regs. 146/71, 336/71, 194/72, 74/73, 884/74, 580/75 and 290/76.

2. *Ministry Directives and Standing Orders of the Jail*

There are also a number of relevant Ministry directives and orders of the Superintendent. These are set out in chronological order hereunder.

(e) *Supplementary Order No. 50* dated November 29, 1965, issued by Governor Whitehead (annexed as Appendix "A")

(f) *Ministry Directive* dated July 25, 1968, headed "Re Assaults on Inmates", issued by L. R. Hackl, Deputy Minister of Correctional Services

According to jail procedure, a copy of this directive is given to each correctional officer upon employment, and a signed copy acknowledging his receipt thereof is placed in his employment file.

(g) *Ministry Directive* dated 6th January, 1971, issued by Don Sinclair, Executive Director, Institutions Division, later Deputy Minister of Correctional Services, and now Deputy Minister of Justice (summary reproduced as Appendix "B")

(h) *Standing Orders* issued by Superintendent G. P. Whitehead, dated May 15, 1972 (annexed as Appendix "C")

Here now are the most relevant excerpts from the first four of the eight sources listed in section B of this summary that govern the status of the correctional officer and his authority over, and responsibility to, the inmate.

(a) *The Criminal Code (1953-54, c. 51, s. 1, as amended)*

A correctional officer's authority seems to flow principally from the Criminal Code. A correctional officer is defined in Section 2 of the Criminal Code as a "Peace Officer".

Under Section 2, a "Peace Officer" includes:

- (b) "a warden, deputy warden, instructor, keeper, *gaoler*, *guard*, and any other officer or permanent employee of a prison." "Prison" includes . . . common *gaol*, . . . *lockup*, . . . or other place in which persons who are charged with or convicted of offences are usually kept in custody.

Section 25 of the Criminal Code provides as follows:

PROTECTION OF PERSONS ACTING UNDER AUTHORITY – *Idem* – When not protected – When protected.

25. (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

- (a) as a private person,
- (b) as a peace officer or public officer,
- (c) in aid of a peace officer or public officer, or
- (d) by virtue of his office,

is, if he acts on reasonable and probable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.

(2) Where a person is required or authorized by law to execute a process or to carry out a sentence, he or any person who assists him is, if he acts in good faith, justified in executing the process or in carrying out the sentence notwithstanding that the process or sentence is defective or that it was issued or imposed without jurisdiction or in excess of jurisdiction.

(3) Subject to subsection (4), a person is not justified for the purposes of subsection (1) in using force that is intended or is likely to cause death or grievous bodily harm unless he believes on reasonable and probable grounds that it is necessary for the purpose of preserving himself or any one under his protection from death or grievous bodily harm.

(4) A peace officer who is proceeding lawfully to arrest, with or without warrant, any person for an offence for which that person may be arrested without warrant, and every one lawfully assisting the peace officer, is justified, if the person to be arrested takes flight to avoid arrest, in using as much force as is necessary to prevent the escape by flight, unless the escape can be prevented by reasonable means in a less violent manner. 1953-54, c.51, s.25.

It is apparent from this section that a correctional officer, as a peace officer, if he acts on reasonable and probable grounds in doing what he is required or authorized to do, is justified in using as much force as is necessary for that purpose.

Sub-section (2) specifically deals with a person authorized by law to carry out a sentence and gives him protection from prosecution if the process of sentence is defective.

Sub-section (3) contains an important limitation in that it does not justify the use of force that is intended or is likely to cause death or grievous bodily harm, except in the circumstances where the correctional officer believes on reasonable and probable grounds that it is necessary to use that degree of force for the purpose of preserving himself, or anyone under his protection, from death or grievous bodily harm.

EXCESSIVE FORCE.

26. Every one who is authorized by law to use force is criminally responsible for any excess thereof according to the nature and quality of the act that constitutes the excess. 1953-54, c. 51, s. 26.

USE OF FORCE TO PREVENT COMMISSION OF OFFENCE.

27. Every one is justified in using as much force as is reasonably necessary

(a) to prevent the commission of an offence

(i) for which, if it were committed, the person who committed it might be arrested without warrant, and

(ii) that would be likely to cause immediate and serious injury to the person or property of anyone; or

(b) to prevent anything being done that, on reasonable and probable grounds he believes would, if it were done, be an offence mentioned in paragraph (a). 1953-54, c. 51, s. 27.

PREVENTING BREACH OF PEACE.

30. Every one who witnesses a breach of the peace is justified in interfering to prevent the continuance or renewal thereof and may detain any person who commits or is about to join in or to renew the breach of the peace, for the purpose of giving him into the custody of a peace officer, if he uses no more force than is reasonably necessary to prevent the continuance or renewal of the breach of the peace or than is reasonably proportioned to the danger to be apprehended from the continuance or renewal of the breach of the peace. 1953-54, c. 51, s. 30.

ARREST FOR BREACH OF PEACE – Giving person in charge.

31. (1) Every peace officer who witnesses a breach of the peace and every one who lawfully assists him is justified in arresting any person whom he finds committing the breach of the peace or who, on reasonable and probable grounds, he believes is about to join in or renew the breach of the peace.

(2) Every peace officer is justified in receiving into custody any person who is given into his charge as having been a party to a breach of the peace by one who has, or who on reasonable and probable grounds he believes has, witnessed the breach of the peace. 1953-54, c. 51, s. 31.

USE OF FORCE TO SUPPRESS RIOT – Person bound by military law – Obeying order of peace officer – Apprehension of serious mischief – Question of law.

32. (1) Every peace officer is justified in using or in ordering the use of as much force as he believes, in good faith and on reasonable and probable grounds,

(a) is necessary to suppress a riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

(2) Every one who is bound by military law to obey the command of his superior officer is justified in obeying any command given by his superior officer for the suppression of a riot unless the order is manifestly unlawful.

(3) Every one is justified in obeying an order of a peace officer to use force to suppress a riot if

(a) he acts in good faith, and

(b) the order is not manifestly unlawful.

(4) Every one who, in good faith and on reasonable and probable grounds,

believes that serious mischief will result from a riot before it is possible to secure the attendance of a peace officer is justified in using as much force as he believes in good faith and on reasonable grounds,

(a) is necessary to suppress the riot, and

(b) is not excessive, having regard to the danger to be apprehended from the continuance of the riot.

(5) For the purposes of this section the question whether an order is manifestly unlawful or not is a question of law. 1953-54, c. 51, s. 32.

DUTY OF OFFICERS IF RIOTERS DO NOT DISPERSE – Protection of officers – Section not restrictive.

33. (1) Where the proclamation referred to in section 68 has been made or an offence against paragraph 69(a) or (b) has been committed, it is the duty of a peace officer and of a person who is lawfully required by him to assist, to disperse or to arrest persons who do not comply with the proclamation.

(2) No civil or criminal proceedings lie against a peace officer or a person who is lawfully required by a peace officer to assist him in respect of any death or injury that by reason of resistance is caused as a result of the performance by the peace officer or that person of a duty that is imposed by subsection (1).

(3) Nothing in this section limits or affects any powers, duties or functions that are conferred or imposed by this Act with respect to the suppression of riots. 1953-54, c. 51, s. 33.

A correctional officer, of course, has the same right of self-defence as any other Canadian citizen, in the event that he is assaulted. This right is set out in Sections 34 and 35 of the Criminal Code.

SELF DEFENCE AGAINST UNPROVOKED ASSAULT – Extent of justification.

34. (1) Every one who is unlawfully assaulted without having provoked the assault is justified in repelling force by force if the force he uses is not intended to cause death or grievous bodily harm and is no more than is necessary to enable him to defend himself.

(2) Every one who is unlawfully assaulted and who causes death or grievous bodily harm in repelling the assault is justified if

(a) he causes it under reasonable apprehension of death or grievous bodily harm from the violence with which the assault was originally made or with which the assailant pursues his purposes, and

(b) he believes, on reasonable and probable grounds, that he cannot otherwise preserve himself from death or grievous bodily harm. 1953-54, c. 51, s. 34.

SELF DEFENCE IN CASE OF AGGRESSION.

35. Every one who has without justification assaulted another but did not commence the assault with intent to cause death or grievous bodily harm, or has without justification provoked an assault upon himself by another, may justify the use of force subsequent to the assault if

(a) he uses the force

- (i) under reasonable apprehension of death or grievous bodily harm from the violence of the person whom he has assaulted or provoked, and
- (ii) in the belief, on reasonable and probable grounds, that it is necessary in order to preserve himself from death or grievous bodily harm;
- (b) he did not, at any time before the necessity of preserving himself from death or grievous bodily harm arose, endeavour to cause death or grievous bodily harm; and

PROVOCATION.

36. Provocation includes, for the purposes of Sections 34 and 35, provocation by blows, words or gestures. 1953-54, c. 51, s. 36.

PREVENTING ASSAULT – Extent of justification.

37. (1) Every one is justified in using force to defend himself or any one under his protection from assault, if he uses no more force than is necessary to prevent the assault or the repetition of it.

(2) Nothing in this section shall be deemed to justify the wilful infliction of any hurt or mischief that is excessive, having regard to the nature of the assault that the force used was intended to prevent. 1953-54, c. 51, s. 37.

Another section that is relevant to the legal position of a correctional officer is Section 118, which reads as follows:

OFFENCES RELATING TO PUBLIC OR PEACE OFFICER.

118. Every one who

- (a) resists or wilfully obstructs a public officer or peace officer in the execution of his duty or any person lawfully acting in aid of such an officer,
- (b) omits, without reasonable excuse, to assist a public officer or peace officer in the execution of his duty in arresting a person or in preserving the peace, after having reasonable notice that he is required to do so, or
- (c) resists or wilfully obstructs any person in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, is guilty of
- (d) an indictable offence and is liable to imprisonment for two years, or
- (e) an offence punishable on summary conviction. 1953-54, c. 51, s. 110; 1972, c. 13, s. 7.

It is clear that an inmate who wilfully obstructs a correctional officer in the execution of his duty or any person lawfully acting in aid of such officer is guilty of a criminal offence.

- (b) *Prisons and Reformatories Act* (R.S.C. 1970, Chapter P-21, cited as *Prisons and Reformatories Act*, R.S., c. 217, s. 1)

- 12. (1) Every one who is sentenced to imprisonment in any gaol, or other

public or reformatory prison, is subject to the provisions of the statutes relating to gaol or prison, and to all rules and regulations lawfully made with respect thereto. . . .

13. The Lieutenant Governor of any province may, from time to time, make regulations for the purpose of preventing escapes and preserving discipline in the case of prisoners in any common gaol or prison employed beyond the limits of such common gaol or prison. R.S., c. 217, s. 13.

(c) *The Ministry of Correctional Services Act*

21. (1) No official or employee of the Ministry shall, either in his own name or in the name of or in connection with or as the agent of any other person, provide, furnish or supply any materials, goods or provisions for the use of a correctional institution, or have an interest, directly or indirectly, in furnishing, supplying or transporting the same or in any contract relating thereto. R.S.O. 1970, c. 110, s. 21(1); 1972, c. 1, s. 1.

(2) Every person who contravenes any of the provisions of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 110, s. 21(2).

22. No official or employee of the Ministry shall buy from or sell to any person in custody in a correctional institution anything whatsoever or take or receive to his own use or for the use of any other person, any fee or gratuity from any person in custody in a correctional institution or from any visitor thereto or from any other person in respect of a person in custody, or employ any person in custody in working for him. R.S.O. 1970, c. 110, s. 22; 1972, c. 1, s. 1.

33. (1) The Lieutenant Governor in Council may make regulations,
- (a) respecting the operation and management of correctional institutions or any class thereof, and respecting the classification, treatment, training, employment, discipline and control of persons detained therein;
 - (b) designating correctional institutions as reformatories for the purposes of the *Prisons and Reformatories Act* (Canada);
 - (c) establishing and governing a vocational training program referred to in Section 19;
 - (d) prescribing conditions under which a person may be paroled;
 - (e) prescribing procedures of the Board for the performance of its functions;
 - (f) prescribing forms for the purposes of this Act and providing for their use.

(2) Such of the regulations made under clause *d*, *e* or *f* of subsection 1 as are approved by the Minister of Justice (Canada) apply in respect of persons in custody referred to in Section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1970, c. 110, s. 33.

34. *The Statutory Powers Procedure Act, 1971* does not apply to proceedings for the discipline of inmates in correctional institutions or to their transfer under Section 10 or for the authorization under Section 18 or 19 of temporary

absences of inmates or to proceedings of the Board notwithstanding anything in that Act. 1971, c. 50, s. 27.

(d) *Regulation 166 (as amended, under Ministry of Correctional Services Act)*

Section 21 (a) deals specifically with the use of force by correctional officers:

21. No employee shall,

- (a) use any form of violence on an inmate, except where absolutely necessary for self defence, or in the case of assault on another inmate or employee or where it is necessary to control a rebellious or disturbed inmate, and in such cases only the minimum of necessary force may be used by the employee and a written report on the incident shall be submitted immediately to the Superintendent;

The section continues:

- (b) use foul, indecent or profane language anywhere in an institution;
- (c) discuss, within the hearing of inmates, matters that may adversely reflect upon the actions of another employee, or the administration, or its policy; or
- (d) without first obtaining the permission of the Deputy Minister, furnish to any person any information in respect of an institution, or remove from an institution any ledger, journal, report or record, or any copy thereof, dealing with the business of the institution. R.R.O. 1970, Reg. 166, s. 21; O. Reg. 146/71, s. 2.

It is of interest to note there is no penalty provision or sanction provided with respect to an employee who breaches any of the provisions of Section 21.

Section 22 (set out hereunder) deals with the power of the Superintendent, or his designated representative, to penalize inmates for infractions of the rules of the institution.

22. No inmate shall be penalized for any infraction of the rules of the institution except by the Superintendent or his designated representative and in the absence of the Superintendent or designated representative, the Senior Officer. O. Reg. 73/74, s. 3.

Under the provisions of Section 23(4), a report of any alleged violation of the above-referred-to obligations must be made by a report in writing, and the officer in charge must investigate and note his findings on the Misconduct Report.

23. (4) Where an inmate appears to have contravened any of the provisions of subsection 1, a written report shall be prepared by the reporting officer

setting out the circumstances and he shall deliver the report to the officer in charge who shall investigate the matter and note on the report his findings. R.R.O. 1970, Reg. 166, s. 23(1-4).

Under Section 23(5), if the Superintendent of the institution is to deal with the alleged breach, the inmate has the right to have the Superintendent or his designated representative review the written report with him together with the details of the investigation by the officer in charge and the inmate has the right to make a full answer to the charge if he so desires.

23. (5) Where, in the opinion of the officer in charge, a contravention has been established and requires disposition by the Superintendent or his designated representative and in the absence of the Superintendent or designated representative, the Senior Officer, he shall, before imposing any penalty, review the written report with the inmate concerned together with the details of the investigation of the officer in charge and the inmate shall be given full opportunity to make his answer to the charge. O. Reg. 74/73, s. 4.

Section 24 sets out the penalties that may be imposed for misconduct:

24. The penalties that may be imposed for misconduct are as follows:

1. Withdrawal in whole or in part of privileges ordinarily enjoyed by inmates.
 2. Close confinement, for not more than ten days in respect of any one confinement, on a special diet which fulfils basic nutritional requirements.
 3. Close confinement on a regular diet.
 4. Forfeiture of a portion or of the whole of the statutory remission that stands to the inmate's credit, provided that no such forfeiture shall exceed ten days, unless the Deputy Minister concurs therein.
- O. Reg. 146/71, s. 3.

C. INMATES

1. Inmates' Obligations

Section 23(1) (reproduced hereunder) prohibits inmates from engaging in the type of conduct specified in sub-paragraph (1)(a) to (1)(I) inclusive and, in effect, creates "institutional offences" the breach of which may give rise to a "charge" in the Misconduct Report and a possible "hearing" before the Superintendent or his designated representative.

23. (1) No inmate shall,

- (a) neglect performing the work or duty assigned to him;
- (b) use foul, indecent or profane language;

- (c) have in his possession any unauthorized articles;
 - (d) disobey any lawful order given by an employee;
 - (e) smuggle or attempt to smuggle any article either into, or out of, the institution;
 - (f) destroy or deface government property;
 - (g) conduct himself in a manner that is detrimental to the welfare of other inmates or to the institution program;
 - (h) attack or threaten to attack another person within the institution;
 - (i) cause or conspire to cause a disturbance or riot;
 - (j) commit or attempt to commit an indecent act;
 - (k) be in an unauthorized place or leave or attempt to leave the limits of the institutional confines without being escorted by an employee or without the express authority of the Superintendent; or
 - (l) give counsel to, or aid and abet another inmate to do any act in contravention of the Act or this Regulation.
26. (1) Every inmate shall, unless,
- (a) medically exempted;
 - (b) under sentence of death; or
 - (c) subject to subsection 2, not under sentence of imprisonment,
- participate in work at the institution and in any institutional program to which he is assigned.

2. Inmates' Rights

Inmates of the Toronto Jail have rights that are specified in Regulation 166 (made under the Ministry of Correctional Services Act). The relevant sections are set out hereunder.

22. No inmate shall be penalized for any infraction of the rules of the institution except by the Superintendent or his designated representative and in the absence of the Superintendent or designated representative, the Senior Officer. O. Reg. 73/74, s. 3.

26. (2) Every inmate confined in an institution but not under sentence of imprisonment shall participate in work for the purpose of keeping the area of his living quarters clean and, with the approval of the Superintendent, may participate should he wish to do so in other work in the institution. O. Reg. 74/73, s. 5.

Note, from the above, that an inmate awaiting trial cannot be forced to engage in any work program.

27.—(1) An inmate, upon request, shall be permitted visits from a minister of religion or from his solicitor, provided that the visits are made during such reasonable hours as are acceptable to the Superintendent.

(2) In addition to the visits mentioned in subsection 1, an inmate shall be permitted one visit each week, but the Superintendent may permit an increased number of visits or may limit visits to near relatives of the inmate.

(3) When a state of emergency exists within an institution the Superintendent may suspend all visiting privileges. R.R.O. 1970, Reg. 166, s. 27.

28.—(1) Subject to the conditions set out in subsection 2, an inmate shall be permitted to send one letter upon admission to an institution, and thereafter to send at least two letters each week, and shall be permitted to receive letters addressed to him.

(2) Subject to subsection 3, letters to and from an inmate may be read by an employee designated by the Superintendent for that purpose, and the Superintendent may stop any letter or censor any part of it, if in his opinion the contents are prejudicial to the best interests of the inmate or other recipient, or are prejudicial to the public safety or the security of the institution.

(3) An inmate shall be permitted at any time to send or receive letters from his solicitor, the Minister, the Deputy Minister, members of the Ontario Legislative Assembly or members of the Parliament of Canada, and such letters shall be forwarded without delay and without the deletion of any part thereof. R.R.O. 1970, Reg. 166, s. 28.

31.—(1) Every request made by an inmate to see the Superintendent shall be recorded by the employee to whom it is made, and conveyed without delay to the Superintendent.

(2) An inmate shall be given the opportunity to complain to the Superintendent or to an inspector in the course of his inspection, of any act on the part of another inmate or of an employee that he alleges affects his rights or privileges. R.R.O. 1970, Reg. 166, s. 31.

41. When a person is admitted into the custody of an institution and requests that some person be notified of his whereabouts, the Superintendent shall ensure that all reasonable efforts are made to notify such person, with the costs if any being paid by the prisoner. R.R.O. 1970, Reg. 166, s. 41.

42. The Superintendent may permit an inmate who is confined in the institution but not under sentence of imprisonment to wear his own clothing, but where such clothing is inadequate, unfit to wear or is required by the police or by the court, the Superintendent shall supply the inmate with institution clothing unless the inmate arranges to have other suitable clothing provided at his own expense. O. Reg. 74/73, s. 7.

43. Every inmate, unless he is found to be plotting to escape or attempts to escape or is misconducting himself or is under sentence of death, shall be allowed, if weather permits, to have daily exercise in the open air and the Superintendent shall ensure that the inmate is attended by one or more employees. R.R.O. 1970, Reg. 166, s. 43.

44.—(1) An inmate confined in an institution but not under sentence shall be permitted two visits per week and all other inmates shall be permitted one visit each week.

An inmate of an institution continues to enjoy all the civil rights of an ordinary citizen, save those that are taken away or interfered with by his having been lawfully detained in custody. At the outset, it must be observed

that a lawful order confining a person extinguishes for that person all his rights to liberty and to personal possession of property within the institution in which he is confined, save to the extent, if any, that those rights are preserved by the Ministry of Correctional Services Act and/or Regulations (see *R. v. Institutional Head of Beaver Correctional Centre, ex parte MacCaud*, 1969, C.C.C. Vol. 1, p. 371).

That is, a prisoner retains all the rights of an ordinary citizen except those that expressly or by necessary implication are taken from him by law.

3. Other Relevant Provisions

Excerpts from the other relevant administrative orders and Ministry directives (listed in section B of this summary) that were in effect at the Toronto Jail during the period under review are set out hereunder.

(e) *Supplementary Order No. 50 dated November 29, 1965*, issued by Governor G. P. Whitehead, directs that "discipline to the inmate population must be at all times (a) firm, (b) fair. The only type of discipline to be administered is that borne out of respect and based on reason."

(f) *Ministry Directive dated July 25, 1968*, headed "Re Assaults on Inmates", issued by L. R. Hackl, Deputy Minister of Correctional Services. The directive is quoted here in full. According to jail procedure, a copy of it is given to each correctional officer upon employment, and a signed copy acknowledging his receipt thereof is placed in his employment file.

It has come to my attention that no written instructions have ever been issued to City and County Jail specifically prohibiting assaults on inmates by employees, nor apparently has there been anything in writing indicating the penalties for such assaults. You are therefore directed to inform all employees of your Institution that assaults on inmates involving the *improper* use of physical force (example: slapping, striking or punching) will not be tolerated. Where it has been established that such action has taken place, the offending employee will be dismissed from the service.

There are, of course, occasions when it is necessary for employees to use some form of physical force in order to control the behaviour of certain wards or inmates. Some may become disturbed, agitated or rebellious to the point where it is necessary to restrain by physical force, but only sufficient force should be used in order to accomplish the restraint. In adult Institutions an inmate may become agitated and attack an employee or another inmate. Certainly restraining force should be used and an employee or inmate has every right to defend himself and others against physical attack. However, in every instance where physical force is used, a complete report of the incident will be made and submitted, through the usual channels, to the Superintendent.

I realize that such instructions are not necessary for the great majority of your Staff who would not entertain the practice of this form of assault in

any case. However, so that no one can be in any doubt about the consequences, you are to reproduce this letter and have every employee read and sign a copy. The signed copy should be placed on his or her file. Future employees should be required to sign a copy as part of the induction routine.

(g) *Ministry Directive dated January 6, 1971*, issued by Don Sinclair, Executive Director, Ministry of Correctional Services, Institutions Division, relating to procedure to be used should a "hostage-taking incident" arise. For security reasons, this directive is not reproduced.

(h) *Standing Orders dated May 15, 1972*, issued by Superintendent G. P. Whitehead. Of the 17 standing orders only No. 11 deals with the use of force on an inmate (see Appendix "B").

11. Staff will not use profane or obscene language at *any* time and will *not* use force on any inmate, unless fully justified in order to protect him/herself or other staff members from injury, or to prevent damage to Jail property, and to prevent injury to another inmate.

D. GENERAL COMMENTS

1. STANDING ORDERS OF THE TORONTO JAIL

During the course of the Commission hearings it became evident that the Standing Orders of the Toronto Jail, which had evolved over a considerable period of time, required both updating and consolidation. Further, it was indicated that there was, on the part of most correctional officers at the jail, either lack of sufficient knowledge or confusion as to the Standing Orders. Accordingly, and to the credit of the senior personnel at the Toronto Jail in 1975, Superintendent William J. Taylor caused a committee, composed primarily of Deputy Superintendent A. L. Farquharson, Senior Assistant Superintendent (Administration) Paul J. Mulhern, and Senior Assistant Superintendent (Security) J. G. Walter, to correlate and revise the prior standing orders and supplementary orders and the Ministry directives as they related to the Toronto Jail.

New Standing Orders were issued and came into force on September 23, 1975. The new Standing Orders (61 in number) were then reproduced in the form of a loose-leaf booklet of about 140 pages. The booklets were numbered and one was issued to each new correctional officer, who was required to sign, acknowledging receipt of the same.

New Standing Order No. 7 deals with the use of force. It is reproduced as Appendix "C" of this summary.

There are also specific new standing orders relating to such things as the procedure to be followed in the event of a "major inmate disturbance" or an escape, and the duties of an officer in charge of the segregation area.

2. MEDICAL

The medical facilities of the Toronto Jail are governed by the provisions of Regulation 166, Sections 14 to 20 inclusive, which are reproduced as Appendix "D".

3. REMAND INMATES

A great deal of movement of inmates on remand, from the corridors where they were normally confined to the "courts assembly corridor" of the jail and from there to the various provincial judges courts in and about Metropolitan Toronto for court appearances at least once every eight days either until their cases were tried or until they were committed for trial before the County Court or Supreme Court, was occasioned by the provisions of the old Section 465(1)(b)(i) of the Criminal Code:

S. 465(1) A Justice acting under this part may —

(b) adjourn the inquiry from time to time but *no such adjournment shall be for more than 8 clear days unless the accused*

(i) *is not in custody* and he and the prosecutor consent to the proposed adjournment.

Thus, inmates on remand could not be remanded for more than eight clear days. In practice, such inmates made weekly court appearances before the presiding provincial court judge simply to be routinely remanded for another week and then returned to the Toronto Jail.

However, Section 465(1)(b)(i) of the Criminal Code was repealed and replaced by the Criminal Law Amendment Act (1975, R.S.C. 1974-75-76, c. 93, s. 58(1) (Bill C-71)) which reads in part:

No such adjournment shall be for more than 8 clear days *unless*

(1) . . . *the accused*, whether or not he is in custody, and *the prosecutor* consent . . .

Under S. 102 the amendment was to come into force on a day fixed by proclamation. Section 58 was proclaimed in force on April 26, 1976.

Therefore, it is now possible, if the accused and the prosecutor consent, for a justice of the peace or a provincial court judge to remand the accused who is in custody to a specific date for trial or preliminary hearing for a period exceeding eight days, without the accused being returned to the court each week in the intervening period.

No statistics are readily available or easily acquired to show what change, if any, has occurred in the number of remand prisoners being transported to or from the courts since the amendment permitting "consent remands".

However, inquiries of the jail staff, the police, and the Chief Provincial Court Judge indicate there has been little or no reduction in the daily flow

of "remand prisoners" to and from the Toronto Jail for weekly court appearances.

Inmates being held for appearances in the Supreme Court or in the County Court must also be transported from and back to the Toronto Jail when their cases, though set to proceed, are for any sufficient reason postponed.

4. RELEVANT CASE LAW

With respect to the relevant Ontario statutes, regulations, Ministry directives and the Standing Orders of the Toronto Jail, there are no reported cases that appear to be of assistance.

However, there are a number of interesting decisions interpreting the law governing federal institutions (penitentiaries), some of which are cited below.

The Ontario Court of Appeal, in the 1968 case of *Regina v. Institutional Head of Beaver Creek Correctional Camp, Ex Parte MacCaud*, reported in [1969] 1 C.C.C. 371 when considering the Penitentiary Act 1962 (Can.) c. 53, the Regulations made thereunder and "Commissioner's Directives", comments on "the rights of an inmate as a person", at page 377:

It would be trite to say that an inmate of an institution continues to enjoy all the civil rights of a person save those that are taken away or interfered with by his having been lawfully sentenced to imprisonment. Rather we consider that it is desirable to attempt to enumerate what are the civil rights to which an inmate remains entitled, which may be affected by the act of the institutional head of the penitentiary in which he is an inmate.

At the outset, it must be observed that the passing of a sentence upon a convicted criminal extinguishes, for the period of his lawful confinement, all his rights to liberty and to the personal possession of property within the institution in which he is confined, save to the extent, if any, that those rights are expressly preserved by the Penitentiary Act.

The United States' view of the legal status of an inmate appears to be set out in the 1944 case of *Coffin v. Reichard*, 143 F. 2d 443:

A prisoner retains all rights of an ordinary citizen except those expressly, or by necessary implication, taken from him by law, which retained rights include right to personal security against unlawful invasion.

The court discussed the disciplining of an inmate by the institutional head of a federal penitentiary and the nature of discipline proceedings in the institution in the following cases:

In *McCann et al. v. The Queen et al.* (1976), 29 C.C.C. (2d) 337, Heald J. of the Federal Court, Trial Division, deals with the Canadian Bill of Rights, the rights of an Inmate of the British Columbia Penitentiary and the use of Solitary Confinement by the Penitentiary Authorities.

The Ontario Court of Appeal in January, 1977, in the case of *Re Anaskan*

and the *Queen*, 15 O.R. (2d) 515, considers the "civil rights" of an inmate of a provincial (Manitoba) prison who was transferred to a Federal Penitentiary in Ontario without a hearing.

The Supreme Court of Canada in March, 1977, in the case of *Martineau and Butters v. Matsqui Institution Inmate Disciplinary Board*, 33 C.C.C. (2d) 366, deals with the application of inmates of a Federal Penitentiary for a review of a decision of the Inmate Discipline Board following their conviction and sentence for serious or flagrant discipline offence. The true nature of inmate "discipline" hearings is discussed at length.

In the three cases cited below the courts considered the legal rights of inmates when unlawful or excessive force was used on them within the Institution.

In *Howley v. The Queen*, [1973] 36 D.L.R. (3d) 261, Cattanach J. sitting on the Federal Court, Trial Division, deals with the claim for compensation for personal injuries when as an inmate the plaintiff was stabbed by a fellow inmate and adopts the statement – "The duty that prison authorities owe to the suppliant (inmate) is to take reasonable care for his safety as a person in their custody and it is only if the prison employees failed to do so that the Crown may be held liable."

In *Regina v. Berrie and seven others* reported in (1976) 24 C.C.C. (2d) 66 Provincial Judge Govan of the British Columbia Provincial Court convicted a number of penitentiary guards of common assault as a result of attempting to shave an inmate against his will.

In the, as yet, unreported Supreme Court of Ontario case of *Dodge v. Bridger, Perrault and McPeak*, Mr. Justice Keith considered the claim of a former inmate against three correctional officers of Millhaven Penitentiary for damages relating to injuries sustained when, as an inmate, he was assaulted by the defendants. In a judgment released on October 17, 1977, the plaintiff was awarded general damages, punitive damages, and "costs on a scale as between solicitor and his own client" against the three defendants. The case is under appeal.

A number of miscellaneous points have recently been dealt with in the Federal Court.

In *Re Solosky v. The Queen* (1977) 33 C.C.C. (2nd) 21 Addy J. sitting in the Federal Court Trial Division dealt with the question of whether correspondence between an inmate of a federal penitentiary and his solicitor may be censored and whether the contents thereof may be divulged by the censor to others. (This case is presently under appeal to the Federal Court – Appeal Division.)

In *Re Claire Culhane* (Judgment October 6, 1977, Federal Court Trial Division) Weekly Criminal Bulletin No. 50 for the week ending October 28, 1977, published by Canada Law Book Limited. Collier J. considered the questions of inmate's visiting privileges and of freedom of assembly and free-

dom of speech as contained in the Bill of Rights.

In *Re J. Clinton MaGrath v. The Queen* (Judgment November 8, 1977, Federal Court, Trial Division) Weekly Criminal Bulletin No. 50 for the week ending November 18, 1977, published by Canada Law Book Limited. Collier J. dealt with the questions of cruel and unusual punishment – the jurisdiction of the Federal Court Trial Division inmate's rights in discipline decisions, rights re his place of confinement and inmate's pay under the Penitentiaries Service Regulations 2.26.

Appendix "A"

SUPPLEMENTARY ORDER NO. 50, DATED NOVEMBER 29, 1965,
ISSUED BY GOVERNOR G. P. WHITEHEAD

METROPOLITAN TORONTO JAIL

MEMORANDUM To All Staff

Re: Discipline of Inmates

As a result of an incident which occurred recently, I am emphasizing the importance to the security of the Jail of the application of Inmate Discipline.

Without exception the application of discipline to the Inmate Population must be at all times:—

- (a) FIRM
- (b) FAIR

The only type of discipline to be administered is that borne out of respect and based on reason.

The surest way of administering good discipline is to have a *thorough knowledge of your job*, and convey the impression that you are an Officer who knows exactly:—

- 1. WHAT should be done.
- 2. HOW it should be done.
- 3. WHY it should be done.
- 4. WHEN it should be done.

To maintain the initiative in your relationship with inmates your approach should be at all times:—

- 1. DIRECT
- 2. POSITIVE
- 3. DECISIVE
- 4. CONSISTENT

An Officer who conducts himself on these precepts will without question have the respect of the inmate population and control at all times.

Procedures are laid down for the inmate population to follow when in the corridors. All Officers should be thoroughly familiar with these procedures and comply with them.

Appendix "B"

STANDING ORDERS, DATED MAY 15, 1972 ISSUED BY
SUPERINTENDENT G. P. WHITEHEAD

METROPOLITAN TORONTO JAIL
STANDING ORDERS

1. Staff will be alert and vigilant at all times; no officer on duty will be permitted to read any book, magazine or other document with the exception of those relating to official business. Sleeping on duty will not be permitted, and staff will perform their duties in an orderly manner in active co-operation with other staff members.
2. Staff will not leave their posts of duty without relief or authority and will be punctual at all times.
3. Staff will inspect all cells, corridors, windows, bars, grilles, locks and any other security device when coming on duty to ensure that they are functioning efficiently, and maintain such vigilance throughout the shift. Any malfunction, damage or loss of any of these security instruments will be reported to a senior officer immediately.
4. Staff will remove any article which could be used as, or fashioned into a weapon, or *any* unauthorized article which is in the possession of or could become available to an inmate.
5. Staff will obey all orders, oral or written, promptly, and will check the notice board immediately after they come on shift to ascertain if any new orders have been issued.
6. Staff will not give or allow to be given any unauthorized article to an inmate, nor will staff pass or receive *any* messages for an inmate without authority from a Senior Officer.
7. Staff will report in writing *any* matter which affects the security of the jail. Staff will not associate with any known ex-inmate or members of the inmate's family whilst off duty. Staff will not furnish any information in respect of the jail or any person unless permitted to do so in the course of their duty.
8. Staff will not carry keys exposed to view, on belts, hip or watch pockets, and will *not* leave keys in locks, cupboards, drawers or on any table, chair, bench or ledge, or show a key to an inmate. The transfer of keys will at all times be hand to hand, the *only* exception being transfer of keys through Security Hatch at the Control Room.
9. Staff will *not* leave any security door open which should be closed and locked.
10. Staff will thoroughly search *every* inmate entering the jail, including outside work parties, every inmate after a visit in the Custodial Section of the Jail, and every article brought into the jail for an inmate. A Senior Staff member must be notified should an internal search be deemed necessary. *Any* internal search is to be carried out by a medical practitioner.

11. Staff will not use profane or obscene language at *any* time and will *not* use force on any inmate, unless fully justified in order to protect him/herself or other staff members from injury, or to prevent damage to Jail property, and to prevent injury to another inmate.
12. Staff will be fair and firm with inmates under their control and will immediately report any infraction of Jail regulations by an inmate.
13. Staff will not enter a security *Corridor or Wing* where inmates are confined unless one or more members of staff,
 - (a) Remain outside the gate or door leading to the *Corridor or Wing*
 - (b) Lock the gate or door as soon as the other staff member has entered the *Corridor or Wing*.

Upon entering such *Corridor or Wing* where inmates are confined a Staff Member shall not have in his possession any keys other than those necessary to perform his duties in that area.

14. Staff will not be permitted to leave the Jail while on duty without the authority of a Senior Officer.
15. Staff will not report for duty under the influence of alcohol or drugs and with the exception of liquor which is the legal property of an inmate when admitted, alcohol will not be permitted on Jail property. All such liquor must be treated according to the Jail Administrator's directive of 10th April, 1972.
16. A member of the staff will promptly pay his just debts and shall not incur liabilities which he is unable or unwilling to discharge.
17. Supplementary Orders previously issued and future Supplementary Orders which will be issued from time to time are equally as binding as these Standing Orders and any infraction of these Orders will be considered *Neglect of Duty*. These Orders do not in any way abrogate any Regulations issued under the Ministry of Correctional Services Act, 1968.

Appendix "C"

METROPOLITAN TORONTO JAIL NEW STANDING ORDER No. 7 USE OF FORCE

- 7.a. There are times when it becomes necessary for correctional staff to use force in dealing with inmates. This may occur when an inmate is doing harm to himself, other inmates or staff. When this occasion arises, the following rules shall apply:
 1. The officer(s) shall use no more force than is necessary to bring about the cessation of any overt or assaultive behaviour.
 2. The officer(s) involved shall make a full written report to the Superintendent stating the inmate(s)' name(s) involved, circumstances surrounding the incident, injuries to inmate(s) or staff (if any) and the reason(s) it was necessary to use force.

3. When force is used, the Chief Medical Officer, or nursing staff will carry out a medical examination as soon as practicable to determine if injury occurred and render the necessary medical treatment.
4. When injuries are sustained by an inmate, an Accident and Injury Report (Form #9890) will be initiated.
5. Where injuries are incurred by an employee the Workmen's Compensation Board Form 7, Rev. 2-72 will be completed.

Appendix "D"

MEDICAL

Regulation 166 (General), Revised Statutes of Ontario, 1970, as amended. Sections 14 to 20 inclusive deal with the appointment of a medical officer and his duties.

14. The medical officer for an institution shall be a legally qualified medical practitioner who shall control and direct the medical and surgical treatment of all inmates.
15. The medical officer, subject to this Regulation and the instructions of the Superintendent, has complete administrative and professional responsibility for the hospital and clinic and the employees details for duty therein.
16. The medical officer shall be responsible for the medical examination of every inmate as soon as possible after admission into custody.
17. When an inmate claims to be unable to work by reason of sickness or other disability, the medical officer shall examine and if, in his opinion, the inmate is unfit to work or his employment should be changed, he shall immediately certify the fact in writing to the Superintendent and upon receipt of such certification the inmate shall thereupon be relieved of work duties or have his employment changed or be admitted to hospital or elsewhere for medical treatment as directed by the medical officer.
18. When an inmate is injured the medical officer shall examine his injuries, prescribe whatever treatment he considers advisable and immediately report in writing the nature of the injury to the Superintendent.
19. Where the medical officer observes that an inmate is seriously ill he shall immediately notify the Superintendent of the fact.
20. When an inmate is taken sick or is injured the employee in whose care or custody the inmate is shall at once report the fact to the officer in charge and, in the case of injury, the employee shall make a written report on the prescribed form.

Forms and Records in Use at the Toronto Jail

FORMS

There are approximately 125 different forms in use at the Toronto Jail (see Appendix A). They were derived from such varied sources as the Ministry of Correctional Services, the Ontario Public Service, and the Ontario Government's general business forms, and some of them were designed by jail employees.

A number of forms that were in use during the period covered by this inquiry have become obsolete and their use has been discontinued. Some forms were rendered obsolete as a result of recent changes in the Toronto Jail's responsibilities, for example, the transfer away from the jail of jurisdiction over the forestry camps. Other forms have been revised by the jail administration, either during or subsequent to the Commission's hearings, as a result of deficiencies disclosed in the evidence adduced at the hearings. Accordingly, some of the forms listed in Appendix A may no longer be in use. Also, a number of newer forms are not listed because they were not referred to at the hearings.

Generally speaking, the jail forms fall into the following nine categories:

1. Jail staff documentation relating to staff's status as correctional officers (There are numerous other forms relating to staff's status as government employees that are not included or referred to herein.)
2. Inmate personal records
3. Inmate medical documentation

4. Jail operation documents
5. Jail discipline documentation
6. Inmate originating documents
7. Government (federal and provincial) interdepartmental documents
8. Jail visitors documents
9. Temporary Absence Program documentation

Owing to their number, it is not feasible to reproduce all the forms that are in use at the Toronto Jail. However, the following forms are reproduced (on pages 305-14) in the hope they will help the reader to understand the evidence:

1. Inmate Record (M.C.S. Form 9891 075-322 (8/76))

Both sides of this 8¼" x 11¾" form are used by the jail staff, commencing with admission, to record the personal history of the inmate, particulars of the charge(s) outstanding, and, in appropriate cases, particulars of the sentence imposed and/or details of previous convictions. In addition, certain medical information and the history of the inmate's conduct during incarceration are recorded.

During the period of the incidents investigated by the Commission, several types of inmate record form were in use. All contained substantially the same basic data. The one reproduced is the current form, revised as of August 1976. It gives more information than earlier versions of the sort that might help users to know what conduct to expect of an inmate during incarceration.

2. Medical History and Status Summary (M.C.S. Form 9803 010-101 (11/74))

If additional space is required to list the treatment given, the *Treatment Record Form* (M.C.S. 9802 010-100 (Rev. 11/74)) is used.

The Medical History and Status Summary form has been revised and improved several times since 1971, most recently in November 1974.

3. Inmate Request (M.C.S. Form 9945 075-325 (7/75))

This is a two-copy 5½" x 8⅝" form. The first copy is white and the carbon copy is yellow. When an inmate makes a request, a correctional officer records the details, as well as the date, time, and place of the request. The inmate is required to sign the form. A correctional officer records the action taken and the results obtained. The form is then taken to the inmate by a correctional officer who records the time of delivery, signs the form, gets the inmate to sign the receipt section, and gives the yellow copy to the inmate. The white copy is retained in the jail records.

4. Misconduct Report (M.C.S. Form 9913 075-003 (3/76))

This form, revised as of March 1976, is the one currently in use. It is con-

tained on a single sheet of 8½" x 14" paper printed on both sides (see pages 310-11).

Misconduct Report forms have been revised a number of times since 1969. In 1969, the printed Misconduct Report form was contained on one side of a single 8½" x 14" page (see page 312). If additional space was required, a separate page was attached.

In May 1971, a revised 8½" x 14" form mimeographed on both sides came into use. It contained five parts (see pages 313-14). Later in 1971, M.C.S. Form 9913 came into use, and it is still being used. Note that Part 5 of the May 1971 form, entitled "Authority of the Deputy Minister", does not appear in Form 9913.

PERMANENT JAIL RECORDS

The permanent jail records are kept mainly in standard hard-cover books, but a few are kept in custom-made books. (See Appendix B for lists and descriptions of the standard and custom made books.)

The more important permanent record books are:

1. *Corridor Logs* are kept by the correctional officer(s) assigned to each corridor and are used to record the movement and location of each inmate and any unusual occurrence within that specific area. The date, time, and name(s) of the person(s) involved (both inmates and correctional officers) together with a brief outline of the occurrence, must be recorded. Three types of corridor log books are in use:
 - (a) Brownline Series 1450 usually containing some 200 unnumbered pages (large)
 - (b) Brownline Series 1450 usually containing some 300 unnumbered pages (large)
 - (c) A few Brownline Series 1860 containing some 200 unnumbered pages (small)
2. *Segregation Logs* are kept by the correctional officer(s) assigned to the segregation areas and are used to record the movement and location of each person entering and leaving the areas. There are three segregation corridors in the new portion of the Toronto Jail and these are designated 1B, 2B, and 3B. The segregation logs are small books, Brownlines Series 1860 and usually contain some 200 unnumbered pages. Also in occasional use are Brownline Series 1720 containing some 400 numbered pages.
3. *Metropolitan Toronto Daily Count* –
 - (a) Male – Brownline Series 1450
 - (b) Female – Brownline Series 517-F
4. *Transfer Book* – (a) Male – Brownline Series 530-F
 (b) Female – Brownline Series 517-F
5. *Committed for Trial Books* – Brownline Series 3100
6. *Bail on Appeal Book* – Brownline Series 3100

7. Index Book – Brownline Series 3100

Other records, such as those of the *Temporary Absence Plan*, those showing the transportation of persons to and from *Outside Hospital Facilities*, and the *Shower Records*, are kept in the Brownline Series 1860 books which contain some 200 unnumbered pages.

Additional special records are kept in Brownline *Daily Journal Books*, the lined pages of which set out the day, week, and month of the year. Both the large size and the small size are in use. Examples of permanent records kept in such books are:

1. Doctor's Orders re Medication
2. Medication Refusal
3. Nurses Report
4. Chief's Office Logs
5. Record of Correctional Officers' Lieu Days

Custom-made books are used for:

1. Male admitting Book
2. Medical Journal of the Jail Surgeon
3. Punishment Book

APPENDIX A

Forms in Use at the Toronto Jail

Acceptance of Medical Temporary Absence Conditions	MCS 9959
Accident Injury Report	MCS 9807
Action Request	74-3380
Advice of Medical Temporary Absence	MCS 9955
Agency Referral Form	_____
Application for Recurring Temporary Absences	MCS 9956
Application for Temporary Absence (1 to 15 days)	MCS 9950
Authorization To Receive One Meal	_____
Authorization To Release Medical Information to Jail Physician	_____
Authorization to Release Money	511-054
Calendar of Prisoners	_____
Calendar of Prisoners	5585
Certify Company Working in Jail and To Be Given Free Access	_____
Correctional Officer Appraisal Card	MCS 9709
C.R.C. Application (Assessment)	MCS 9367
Daily Occurrence Report	_____
Detention Review Diary	MCS 9870
Diabetic Protocol	_____
Disassociation Unit	_____
Disposition of Misconduct Reports	_____
Education Temporary Absence Application	MCS 9954

Employee Annual Appraisal Report Form	MCS 9711
Employment Temporary Absence Application	MCS 9952
Face Sheet	_____
Female Daily Count	511-046
File Transmittal – Transfer Receipt	MCS 9141
Finger-Print Form	RCMP C-216
Fire Drill Record	MCS 9340
Form letter to RCMP Identification Branch	_____
Forestry Camps – Approval Board – Transfer Date	_____
From TAP Supervisor – RE: Temporary Absence Program	_____
Group Temporary Absence Permit	MCS 9156
Hospital Referral/Recommendations	_____
Illegal Drug Use Report on Sentenced Prisoners	MCS 9822
Initial Intake Report	_____
Inmate Record	MCS 9891
Inmate Release from Segregation (Notifying Staff Member)	_____
Inmate Request	MCS 9945
Inmate Visitors' Register	_____
Inmates' Count	MCS 9899
Inmate's Daily Log	MCS 9894
Intake Summary	_____
Intermittent Inmate Record	MCS 075-323
Intermittent Sentence Prisoner Permission Not To Surrender to Toronto Jail	_____
Jail Superintendent's Report on Sentenced Prisoners	MCS 9875
Knife Receipts/Summary of Overtime	_____
Locker Receipt – T.A.P.	_____
Long Distance Telephone Calls	_____
Male – Daily Count	_____
Medical History and Status Summary	MCS 9803
Memorandum (small)	MCS 9211
Memorandum (large)	MCS 9210
Memo to Record Dept.	_____
Menu	_____
Metropolitan Toronto Jail – Return to Jail	69-4707
Misconduct Report	MCS 9913
Monthly Report – Fines Paid or Sentences Satisfied	MCS 9934
Monthly Statistics	MCS 9957
National Parole Board, Ottawa – Report from Custodian	NPB 7530
Neurological Signs	_____
Notice of Criminal Charges	MCS 9909
Notification of Death of Person Known To Have a Criminal Record	RCMP C-163

Occurrence Report	MCS 9902
Ontario Criminal Appeal Form "C"	_____
Overtime Report	MCS 507A
Personal Attendance Register	Public Service Ontario 1035
Persons – Ontario Police Commission Message Preparation Form	OPC 101
Physician's Application for Involuntary Admission	Mental Health Form 1
Probation and Parole Investigation re Temporary Absence Program	_____
Provincial Bailiff's Route Sheet	_____
Reason for Denial of Application for Camp	_____
Receipt for Inmate	MCS 9937
Received from the Inmate Property Office the Property Declaration Form of:	_____
Recommendation for Appointment	P7
Record of Daily Conduct	MCS 9912
Record of Late Arrivals	_____
Record of Prisoners Received from Various Sources, Courts, etc.	511-046
Record of Segregated Inmates	_____
Reliefs	_____
Remand Information Changes	MCS 9106
Removal Warrant	MCS 9831
Report on – Escape – Attempted Escape	MCS 9910
Request for Medical Information by Jail Physician	_____
Request for Transfer or Re-classification – Inmate	MCS 9901
Request for Transfer to Penitentiary Before Expiration of Thirty-Day Appeal Period	9939
Request to Remain at the Toronto Jail	_____
Request to Serve Sentence at Toronto Jail	_____
Request to Transfer Extra-Provincial Charges	MCS 9931
Required from Stores	MCS 9405
Search Record	MCS 9134
Segregation Reports	MCS 9911
Sergeant's Corridor Record Count	_____
Shift Change-Over Certificate	MCS 9944
Shift Supervisor Daily Duty Roster	_____
Sleep Watch Observation	_____
Staff Telephone Messages Reporting Sick	_____
Superintendent's Daily Count	_____
Superintendent's Daily Inspection Report	MCS 9174
Superintendent's Monthly Contact Summary – Programming Department	_____
Supervisor's Report – Record of Segregated Inmate	_____

T.A.P. Personal Property Sheet – Weekly Record	_____
T.A.P. – Progress Report	_____
Temporary Absence Authorization Permit	MCS 9960
Temporary Absence Program Employer Agreement	MCS 9958
To Whom It May Concern Notice re Bearer on T.A.P.	_____
Tobacco Orders for Delivery	_____
Toronto Jail Observation Report	_____
Toronto Jail Tobacco Sheets	_____
Toronto Jail Work Approval Board	_____
Treatment Record (continued)	MCS 9802
Visitors Admit Slip	511-057
Volunteers' Attendance Register	MCS 9140
Weekly Report of Lock-up Prisoners	MCS 9936
Workmen's Compensation Form	WCB FORM 7

APPENDIX B

Record Books in Use at the Toronto Jail

Standard Hard-Cover

1. **Browline**
Series 1450
(large)
 - Green bookcloth – $8\frac{1}{2}'' \times 14'' \times \frac{3}{4}''$
 - (a) 200 pages not numbered
 - (b) 200 " numbered 1-200
 - (c) 300 " not numbered
 - (d) 300 " numbered 1-300
2. **Browline**
Series 1860
(small)
 - Green bookcloth – $7\frac{3}{8}'' \times 9\frac{1}{2}'' \times \frac{3}{4}''$
 - (a) 200 pages not numbered
 - (b) 200 " numbered 1-200
3. **Browline**
Series 1720
 - Green bookcloth with red fabricoid back and corners – $8\frac{1}{2}'' \times 10\frac{1}{2}'' \times 1\frac{1}{4}''$
 - pages numbered 1-398
4. **Browline**
Daily Journal
(large) 530F
 - Green bookcloth with black back and corners – $8\frac{1}{2}'' \times 13\frac{3}{4}'' \times 1\frac{1}{8}''$
 - pages by day and date for one-year period
5. **Browline**
Daily Journal
(a) 517C
(small)
(b) 517F
 - Red bookcloth with black fabricoid back and corners – $7\frac{1}{8}'' \times 8\frac{1}{2}'' \times 1''$
 - pages by day and date for one-year period
 - same as 517C but with green bookcloth and black fabricoid back and corners
6. **Anstey Graphic**
Limited
1868-200
 - Green bookcloth – $7\frac{1}{2}'' \times 9\frac{1}{2}'' \times \frac{3}{4}''$
 - (a) 200 pages not numbered
 - (b) 200 pages numbered 1-200

- | | |
|--|---|
| 7. Brownline
2158 | Green bookcloth — 5¾" x 8¾" x ¾"
pages numbered 1-200 |
| 8. Anstey Graphic
Limited
1458-300 | Green bookcloth — 8¼" x 14" x 1⅛"
300 pages not numbered |
| 9. Brownline
Tronic
Binder 1900-B | Black soft cover — 3-ring binder
7" x 10¼" x 1" |

Custom-Bound

- | | |
|---------------------------------------|---|
| 1. Punishment Book | Clothbound, light sand colour
12¼" x 17¾" x 1¾"
pages numbered 1-438 |
| 2. Punishment Book | Clothbound, light sand colour
11¾" x 17¾" x 1¾"
pages numbered 1-444 |
| 3. Medical Journal
of Jail Surgeon | Clothbound, dark gray with maroon corners
19¾" x 12⅛" x 2½"
pages numbered 1-618 |
| 4. Medical Journal
of Jail Surgeon | Clothbound, dark gray with maroon corners
19¾" x 12⅛" x 2¼"
pages numbered 1-600, extra pages
numbered by hand 601-618 |
| 5. Male (Admitting) | Black fabricoid with brown leather back and corners —
2 pages for full entry, both with same page number
(a) book size 11¼" x 14½" x 2¼"
pages numbered 1-279
(b) book size 11¼" x 14½" x 2½"
pages numbered 1-319 |

[illegible]

TRAITS		ASSAULTIVE CIVILIAN		YES NO		SEXUAL DEVIANT ARSONIST		YES NO		ESCAPE SUICIDAL	
AUTHORIZATION											
REMARKS (PREPARE REMARKS WITH APPROPRIATE TITLE AND REMARK ON) (1) Current conditions for sex, arson, drug or escape offenses. Indicate circumstances. (2) Previous convictions for sex, arson, drug or escape offenses. Indicate circumstances. (3) Previous escapes. Indicate when and where. (4) Attitude & behaviour - remark on abnormal attitude & behaviour while in your custody. (5) Classification - provide any information that may be useful for classification purposes. (6) Travel Plans - if used for travel register reasons.											
FOR CHIEF PROVINCIAL BAILIFF USE ONLY Transferred to: _____											
FIT FOR TRAVEL <input type="checkbox"/> No (See Remarks) <input type="checkbox"/> Yes ONTARIO BOARD OF PAROLE											
DEPARTING ISLAND MONTH OF APPEARANCE: _____ MONTH OF RELEASE ON PAROLE: _____ MONTH OF LAST RELEASE: _____											
VIOLATION - PAROLE CONDITIONS VIOLATION - RECONVICTIONS											
PSYCHOLOGICAL ASSESSMENT REPORT AVAILABLE: YES <input type="checkbox"/> NO <input type="checkbox"/> ADMINISTRATIVE SUMMARY AVAILABLE: YES <input type="checkbox"/> NO <input type="checkbox"/> DATE OF REPORT: DAY _____ MONTH _____ YEAR _____ DATE OF REPORT: DAY _____ MONTH _____ YEAR _____											

Ministry of
Correctional
Services

**MEDICAL HISTORY
AND STATUS
SUMMARY**

SURNAME				GIVEN NAMES			
INSTITUTION				FILE NUMBER		O.H.P. NUMBER	
BIRTH DATE			HEIGHT	WEIGHT	SEX	ADMISSION DATE	
DAY	MONTH	YEAR	FT	IN	LB	M	F
						DAY	MONTH YEAR

PART A (COMPLETION IS MANDATORY AT INITIAL RECEIVING INSTITUTION)

URINALYSIS	VISION	CIRCULATION	TUBERCULOSIS						
DATE: _____ <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> NATURAL <input type="checkbox"/> </div> <div style="text-align: center;"> AIDED <input type="checkbox"/> </div> </div>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 50%;">LEFT</th> <th style="width: 50%;">RIGHT</th> </tr> <tr> <td>30 / 30</td> <td>30 / 30</td> </tr> <tr> <td>20 / 20</td> <td>30 / 30</td> </tr> </table>	LEFT	RIGHT	30 / 30	30 / 30	20 / 20	30 / 30	HAEMOGLOBIN _____ % OR _____ mg gm BLOOD PRESSURE _____ / _____ mm. Hg PULSE RATE AT REST _____ /min	DATE OF LAST X-RAY OR NEGATIVE SKIN TEST _____ 18 _____ NO RECENT TEST <input type="checkbox"/> DATE OF SKIN TEST _____ 18 _____ RESULTS NEGATIVE <input type="checkbox"/> POSITIVE <input type="checkbox"/> DATE X-RAY TAKEN _____ 18 _____ RESULTS NEGATIVE <input type="checkbox"/> POSITIVE <input type="checkbox"/>
LEFT	RIGHT								
30 / 30	30 / 30								
20 / 20	30 / 30								

PART D (TO BE COMPLETED BY EXAMINER) SUMMARY OF FINDINGS INCLUDING ABNORMALITIES, DEFORMITIES AND BRUISES

DIFFERENTIAL DIAGNOSIS.

CONSIDERING AGE AND SEX, SUBJECT IS FIT FOR

☐ TRAVEL ☐ ALL ACTIVITIES ☐ RESTRICTED ACTIVITIES TYPE AND EXTENT OF RESTRICTIONS _____

☐ NO TRAVEL ☐ NO ACTIVITIES

☐ REQUIRES DENTAL EXAMINATION

I HAVE TO-DAY EXAMINED THE SUBJECT NAMED HEREIN _____ DATE 19 _____

AND THE FOREGOING SUMMARIZES MY FINDINGS _____ DULY QUALIFIED MEDICAL PRACTITIONER

[illegible]

PART E (COMPLETION BY EXAMINER IS MANDATORY PRIOR TO TRAVEL)

SUBJECT WEIGHTS _____ LB. AND OZ.	<input type="checkbox"/> FIT FOR TRAVEL	<input type="checkbox"/> UNFIT FOR TRAVEL	<input type="checkbox"/> FREE FROM DANGEROUSLY CONTAGIOUS OR INFECTIOUS DISEASES
DISCHARGE DIAGNOSIS		I.C.D. CODE NUMBER	

DATE _____

EXAMINER'S NAME _____
PLEASE PRINT

SUPPLY _____

H.D./M.B.
REC-50

FORM (9803) 010-101

THIS FORM AND OTHER CLINICAL RECORDS AVAILABLE ARE TO ACCOMPANY SUBJECT ON TRANSFER.
TREATMENT IN TRANSIT IS TO BE WRITTEN ON STICKER FORM (9816) 010-111

The front side of "Medical History and Status Summary" form M.C.S. 9803 010-101 (11/74).

PART B (TO BE COMPLETED BY SUBJECT, A NURSE MAY ASSIST)

1. NAME ANY MEDICINES YOU ARE TAKING

DO YOU EVER HAVE TROUBLES WITH OR
TAKE MEDICINES FOR

2. THE HEART
3. HIGH BLOOD PRESSURE
4. ASTHMA OR BREATHING
5. ALLERGIES

YES	NO	UNKNOWN

DESCRIBE PARTICULARS BY NUMBER

6. HAVE YOU BEEN UNDER THE CARE OF A
PHYSICIAN IN THE PAST YEAR

--	--

HAVE YOU EVER

7. HAD ANY SERIOUS ILLNESS
8. BEEN ADMITTED TO HOSPITAL
9. HAD A SURGICAL OPERATION
10. BEEN A REGULAR DRUG USER

ARE YOU TROUBLED WITH

11. HEADACHE
12. SLEEPLESSNESS
13. UNCLEAR VISION
14. BURNING EYES

15. DISCHARGING EARS
16. EAR PAIN
17. HEARING LOSS
18. REPEATED SORE THROAT
19. PAINFUL TEETH

20. POUNDING HEART
21. SHORTNESS OF BREATH
22. CHEST PAIN
23. SWELLING IN NECK
24. LOSS OF APPETITE

YES	NO

35. VARICOSE VEINS
36. BACK PAIN
37. TIPPED PELVIS
38. SKIN TROUBLE
39. WHILE LOOKING AT OBJECTS
DO THEY CHANGE SHAPE
OR SIZE?

--	--

PART C (TO BE COMPLETED BY EXAMINER FOR QUESTIONS MARKED YES)

RECORD

DESCRIBE PARTICULARS BY NUMBER

PUPIL SIZE R _____ L _____

FACIES _____

FUNDI R _____ L _____

CONJUNC. R _____ L _____

EXTERNAL MEAT. R _____ L _____

TYMPANI R _____ L _____

VOICE TEST R _____ L _____

UPPER _____ LOWER _____

THYROID _____

HEART _____

LUNGS R _____ L _____

GLANDS _____

LOOSENESS OF SKIN _____

TENDERNESS _____

ABDOMINAL _____

SCAP-S _____

LIVER EDGE _____

ABD MASSES _____

HAEMORRHOIDS _____

HERNIAE _____

PROSTATE OR UTERUS _____

EXTERNAL GENITALIA _____

R _____ L _____

R _____ L _____

R _____ L _____

SPINE _____

LEG SHORTENING _____

SUBJECT'S SIGNATURE _____

DATE _____ 19 _____

FORM (9803) 010-101 (11/74)

The reverse side of "Medical History and Status Summary" form M.C.S.
9803 010-101 (11/74).

JULIAN	DATE
	FILE NUMBER
FILE NUMBER	FILE NUMBER

PLEASE PRINT OR WRITE CLEARLY



Ministry of
Correctional
Services

Ontario
INMATE'S NAME

INMATE REQUEST

75 - 20577

AA 395377

ISSUED BY	TIME	DATE	LOCATION
-----------	------	------	----------

TYPE OF REQUEST

DETAILS OF REQUEST

SIGNATURE OF INMATE

☐ REPLY ☐ ACTION TAKEN ☐ INCOMING TELEPHONE MESSAGE ☐ OTHER (EXPLAIN FULLY BELOW)

SIGNATURE

REPLY AND / OR DETAILS OF RESULTANT ACTION DELIVERED BY _____ AT _____ A.M.
P.M.

FORM (9945) 075-325 7-75

WORKING COPY

INMATE'S SIGNATURE

The first copy of "Inmate Request" form M.C.S. 9945 075-325 (7/75).

MISCONDUCT REPORT

N.B. THIS REPORT MUST BE FORWARDED TO THE SUPERINTENDENT FOR HIS ATTENTION AND SUBSEQUENTLY INCLUDED IN THE INMATE'S FILE.

NAME OF INMATE	FILE NUMBER	INSTITUTION	DATE OF MISCONDUCT
----------------	-------------	-------------	--------------------

PART 1

DESCRIPTION OF MISCONDUCT: _____

REGULATION SECTION INCLUDING SUB SECTION _____

DETAILS: _____

☐ SEE THE ATTACHED FOR ADDITIONAL COMMENTSSIGNATURES OF
WITNESSES TO
MISCONDUCT

DATE _____ 19 _____

SIGNATURE OF REPORTING OFFICER _____

PART 2 INVESTIGATION

PERSONS INTERVIEWED - INCLUDING WITNESSES

CONCLUSIONS _____

☐ SEE THE ATTACHED FOR ADDITIONAL COMMENTS☐ REFERRED TO SUPERINTENDENT FOR ACTION☐ REFERRED TO SUPERINTENDENT FOR INFORMATION - NO FURTHER ACTION RECOMMENDED AND ☐ REPORTING OFFICER☐ ADDITIONAL INVESTIGATION RECOMMENDED☐ REPORTING OFFICER ADVISED

ADVISED

INMATE STATUS FOLLOWING INVESTIGATION

☐ AWAITING HEARING - PLACED IN SEGREGATION.☐ AWAITING HEARING - NOT SEGREGATED☐ INTENDS TO ADMIT TO MISCONDUCT - SUPERINTENDENT TO COMPLETE PART 4 ON REVERSE.☐ INTENDS TO DENY MISCONDUCT - SUPERINTENDENT TO COMPLETE PARTS 3 & 4 ON REVERSE.WITNESSES WHO
MAY BE REQUIRED
AT HEARING

DATE _____ 19 _____

SIGNATURE OF INVESTIGATING OFFICER _____

The front side of "Misconduct Report" form M.C.S. 9913 075-003 (3/76) - currently in use.

PART 3 - HEARING

STATEMENT OF MISCONDUCT IN PART 1 READ TO INMATE and

HEARING DATE _____	TIME _____	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.
--------------------	------------	--

- INMATE ☐ ADMITS MISCONDUCT AS WRITTEN
☐ DENIES MISCONDUCT AS WRITTEN - INMATE HAS THE RIGHT TO SUMMON WITNESSES
☐ REFUSES TO ADMIT OR DENY MISCONDUCT

REFUSAL WITNESSED BY: _____
SIGNATURE

SUMMARY OF INMATE'S ACCOUNT OF INCIDENT _____

☐ SEE THE ATTACHED FOR ADDITIONAL COMMENTS_____
SUPERINTENDENT'S SIGNATURESIGNATURES OF
WITNESSES TESTIFYING
AT HEARING _____
_____SIGNATURES OF
WITNESSES SUMMONED
BY INMATE _____
_____REMAINED ☐ NO ☐ YES

N.B. - IT IS ESSENTIAL TO DEAL WITH REMAINED CASES WITH AS LITTLE DELAY AS POSSIBLE.

PART 4 DISPOSITION☐ NOT GUILTY OF MISCONDUCT☐ GUILTY OF MISCONDUCTIF APPROPRIATE, REGULATION
SECTION INCLUDING SUB-SECTION _____PENALTY IMPOSED: _____

COMMENTS, IF ANY: _____

N.B. WHERE STATUTORY REMISSION IS TO BE FORFEITED AND THE INMATE HAS NOT CALLED WITNESSES, STATE
 ABOVE WHETHER OR NOT THE INMATE HAS BEEN ADVISED OF HIS RIGHT TO CALL WITNESSES ON HIS BEHALF.

☐ SEE THE ATTACHED FOR ADDITIONAL COMMENTS☐ REPORTING OFFICER PRESENT☐ REPORTING OFFICER ADVISED

DATE _____ 19____

SIGNATURE OF SENIOR OFFICER PRESENT _____

SIGNATURE OF SUPERINTENDENT _____

The reverse side of "Misconduct Report" form M.C.S. 9913 075-003 (3/76).

TORONTO JAIL

MISCONDUCT REPORT

Date..... *March 1969*

Prisoner's Name and Number..... *25655*

Offence (as per Sec. 65 of Regulations).....

Details of Offence

What.....

Where.....

When.....

How.....

Witness

Officer Making Report

DISPOSITION

Date..... *March 1969*

Time..... *8:45 am*

Findings..... *Guilty*

Punishment Awarded..... *5 days Segregation on Restrictive Diet*

[Signature]
Governor

Punishment Carried Out.....

Officer Receiving Prisoner

"Misconduct Report" form in use at the Toronto Jail from 1969-1971.

MISCONDUCT REPORTPART I - REPORT OF MISCONDUCT

INSTITUTION: _____ Date of Report: _____

NAME: _____ Institutional No. _____

STATEMENT OF MISCONDUCT: _____
(Section of Regulations) _____

Signature of Reporting Officer _____

Signatures - Witnesses of Misconduct _____

PART II - INVESTIGATION OF REPORTED MISCONDUCT

Investigating Officer: _____ Date: _____

Signature _____

Persons Interviewed, Including Witnesses: _____

CONCLUSIONS OF INVESTIGATION: _____

DISPOSITION OF MISCONDUCT REPORT:

- (1) Referred to Superintendent or Designate: ☐
 (2) No Further Action Recommended: ☐ and Reporting Officer Advised: ☐
 (3) Recommend Additional Investigation: ☐

STATUS OF INMATE FOLLOWING INVESTIGATION:

- (1) Awaiting Hearing and Placed in Segregation: ☐
 (2) Awaiting Hearing (Not Segregated): ☐
 (3) Intends to Plead Guilty: ☐ (Superintendent to complete Part IV overleaf)
 (4) Intends to Plead Not Guilty: ☐ (Superintendent to complete Parts III & IV overleaf)

NAMES OF WITNESSES WHO MAY BE REQUIRED AT HEARING:

The front side of the mimeographed "Misconduct Report" form in use for a time in 1971.

PART III - MISCONDUCT HEARING

Date/Time: _____

STATEMENT OF MISCONDUCT CONTAINED IN PART I READ TO INMATE

INMATE: Pleads guilty to charge as written: ☐ Not Guilty: ☐

Refuses to plead: ☐

If no Plea made, witnessed by: _____

STATEMENT BY INMATE: _____

Witnesses called at Hearing: _____

Signature of Witnesses

REWARDED Yes/No If Further Proceedings, date: _____

Witnesses to be called by Inmate: _____

Following a plea of not guilty,
an inmate shall be given the
right to summon witnesses.

Signature of Witnesses

PART IV - DISPOSITION

Guilty: ☐

Not Guilty: ☐

Action Recommended: _____
(Section of Regulations where applicable)

Reporting Officer Present: ☐

Reporting Officer Advised: ☐

Date: _____

Superintendent or Designated Officer

PART V - AUTHORITY OF DEPUTY MINISTER (where required)

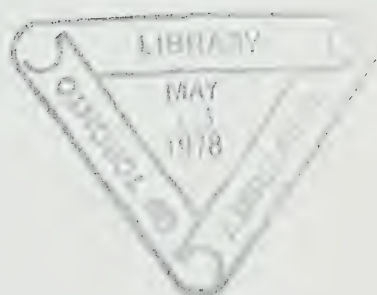
DEPUTY MINISTER'S REMARKS: APPROVED: ☐ DENIED: ☐

Date: _____

Deputy Minister

The reverse side of the mimeographed "Misconduct Report" form in use for a time in 1971.

7845



His Honour Judge B. Barry Shapiro is the Senior Judge of the County Court of the Judicial District of Peel, which adjoins Metropolitan Toronto and encompasses the municipalities of Mississauga, Brampton, and Caledon. The district includes the Toronto International Airport. The court, whose judges are federally appointed and also serve as local judges of the High Court of Ontario, tries criminal and civil cases, both jury and non-jury, as well as dealing with Surrogate Court matters. Judge Shapiro has served as Chairman of the Peel Regional Board of Commissioners of Police since the force's inception in 1973. Before his appointment to the Bench in 1971, he was an active trial lawyer and a Bencher of the Law Society of Upper Canada. He is a past president of the Medico-Legal Society of Toronto. He served overseas during World War II, holds the rank of colonel in the Canadian Forces Reserve, and was one of the Aides-de-Camp to the Lieutenant-Governors of Ontario from 1958 to 1974. The Royal Commission on the Toronto Jail and Custodial Services has drawn on his experience in the disciplinary arts and brought to the fore his general concern for people and particularly for those convicted persons who have been sentenced to periods in custody. During the Commission's hearings, this interest was broadened to include correctional staff.



